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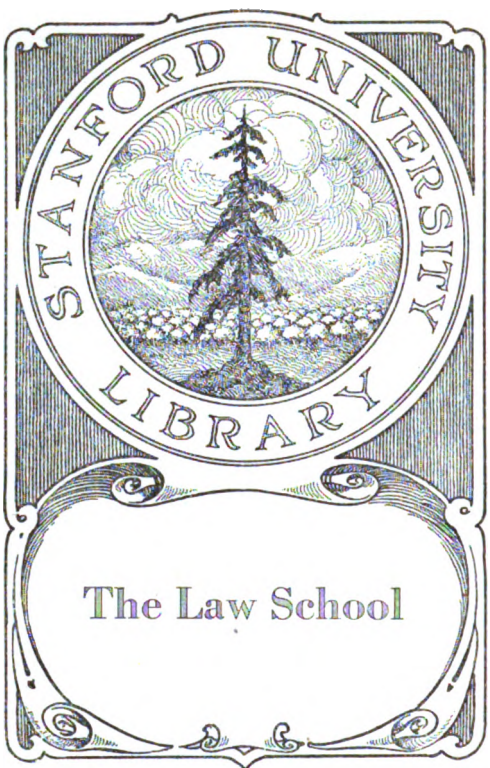
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George Washington

ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,

AT A SESSION IN
NOVEMBER AND DECEMBER, 1871.

COMPRISING, ALSO, THE ACTS AND RESOLUTIONS
PASSED AT THE SESSION OF JANUARY, 1872.

COMPILED BY
DAVID G. COTTING,
SECRETARY OF STATE.

PUBLISHED BY AUTHORITY.

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PREFACE.

The laws comprised in this volume are printed from the engrossed copies, which are those which pass the two branches of the General Assembly. After their passage through the two Houses, they are enrolled, and the enrolled copies are those which are signed by the Governor, or become laws over his veto, or by the expiration of the time limited by the Constitution. The enrolled copies are those deposited in the archives of the State in the Secretary of State's office. The enrolled and engrossed copies should be counterparts of each other, but sometimes variations occur from clerical errors and omissions. These Acts, printed from the engrossed copies, have been carefully compared with the enrolled copies deposited in the office of the Secretary of State, and any material omissions or variations are noted by enclosing the different reading in brackets.

It was thought best by his Excellency, Governor SMITH, on the score of convenience and economy, to include the Acts passed at the short session in January, in this compilation, and by his order this has been done.

For convenience in searching for any law in the Secretary of State's office, I have affixed to each Act the original number it bears on the files, (thus O. No. 00.)

DAVID G. COTTING.
Secretary of State, and Compiler.

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STATUTES OF GEORGIA

PASSED BY THE

GENERAL ASSEMBLY OF 1871.

PART I.—PUBLIC LAWS.

TITLE I.

APPROPRIATIONS.

SECTION.

1. Salary of Governor, State House officers, Governor's Secretaries, Messenger and Librarian, Solicitors General, Reporter Supreme Court, Judges Superior Court, Judges Supreme Court.
2. Contingent and Printing Fund.
3. Per diem, President and Speaker, mileage General Assembly, no pay to absentees except in sickness.
4. Extra pay to Secretary Senate and Clerk House, pay to journalizing clerk, messengers, clerk of committees receive mileage, and per diem, enrolling and engrossing clerks, clerks of committees, door keeper and messenger, mileage officers General Assembly.
5. Salaries appropriated annually and payable quarterly, Civil Engineer.
6. Treasurer to advance 75 per cent. on salaries.
7. Appropriations to Superintendent and Physician, treasurer and steward Lunatic Asylum, must make return to Governor number pauper patients, Governor to issue warrant for per diem of each, cost of supplies, daily incidental expenses, for roofing and recovering Asylum, to Rev. C. W. Lane.
8. Academy for Blind.
9. Chaplains and pages House.

SECTION.

10. Clerks Treasurer's, Comptroller's and Secretary State's offices.
11. Assistant door keepers, messengers, servants.
12. Deaf and Dumb Asylum.
13. Principal Keeper Penitentiary.
14. To pay Interest on public debt.
15. Contingent expenses Secretary Senate and Clerk House. Appropriations payable in National currency.
16. To Clerk Supreme Court.
17. Warrants to specify for what drawn.
18. Bringing up books W. & A. R. R. B. F. Moore and others, to Redwine, Hammock and Rawson \$100 each, protection of books W. & A. R. R., to F. G. Grieve.
19. To T. A. Johnson, Page.
20. To Johnny Burnet, Page.
21. To W. A. King, Sheriff.
22. Mrs. Fleming, relief of—
23. Jackson, L. & B. for tax overpaid.
24. Officers to collect single tax for 1871.
25. Columbus school fund to be paid to trustees of schools in that city.
26. Trustees to establish schools.
27. If insufficient, tax may be levied.
28. Schools subject to General School Law.
29. Appropriation Act of 1870, Section 20 repealed.

Raising Revenue for 1872, and for other purposes.

No. I.—(O No. 127.)

An Act for raising a Revenue, and to appropriate money for the use of the Government, and to make certain appropriations, and for other purposes herein mentioned.

1. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That the following sums of money be and the same are hereby appropriated to the respective persons and objects hereinafter mentioned, to-wit: as salaries, the sum of four thousand dollars, annually, to his Excellency the Governor; and the further sum of two thousand dollars, annually, each, to the Secretary of State, Comptroller General, and State Treasurer, and the sum of eighteen hundred dollars, each, annually, to the Secretaries of the Executive Department—not to exceed two—and said Secretaries shall not receive compensation for extra services; and the sum fixed by law, annually, to the Messenger of the Executive Department; and the sum of twelve hundred dollars, annually, to the State Librarian; and the sum of two hundred and fifty dollars, annually, to each of the Solicitors General; and the sum of one thousand dollars annually, to the Reporter of the Decisions of the Supreme Court; and the sum of twenty-five hundred dollars, annually, to each Judge of the Superior Court; and the sum of thirty-five hundred dollars, annually, to each Judge of the Supreme Court.
 - Governor's salary.
 - State house officers.
 - Governor's Sec'ys.
 - Messenger.
 - Librarian.
 - Sol. Gen.
 - Reporter.
 - Supreme Court.
 - Judges.
 - Superior Court.
 - Judges Supreme Court.
2. SEC. II. That the sum of twenty thousand dollars, or as much thereof as may be necessary, be, and the same is hereby appropriated, annually, as a contingent fund; and the sum of fifteen thousand dollars, annually, be appropriated as a printing fund.
 - Contingent Fund.
 - Printing Fund.
3. SEC. III. That the sum of ten dollars per day (each) be paid to the President of the Senate and Speaker of the House of Representatives, during the sessions of the General Assembly; and the sum of five dollars for every twenty miles traveled in going to and returning from the seat of government—the distance to be computed by the nearest route usually traveled by public conveyance; and the sum of seven dollars per day, each, be paid to the members of the General Assembly during the sessions, and five dollars for every twenty miles in going to and returning from the seat of government, under the same rules that apply to the President of the Senate and Speaker of the House of Representatives: *Provided*, that no member shall receive pay from the State for any time that he may be absent, unless his absence was caused by sickness of himself or family, or he had leave of absence granted by the Senate or House.
 - President Senate.
 - Speaker House.
 - Mileage.
 - Members General Assembly.
 - Mileage.
 - No pay if absent only in case of sickness.
4. SEC. IV. That the Secretary of the Senate and the Clerk of the House, and Messengers and Doorkeepers shall receive, in addition to their salaries fixed by law, the sum of two hundred and fifty dollars each (except in the case of Messengers and Doorkeepers, who shall only receive five dollars for every twenty miles trav-
 - Secretary of Senate.
 - Clerk House, etc.
 - Except Messenger, etc.

Raising Revenue for 1872, and for other purposes.

eled) and five dollars for every twenty miles traveled in coming to and going from the Capitol; and the Assistant Secretary of the Senate, the Journalizing Clerk of the Senate, the Assistant Clerk of the House, and the Journalizing Clerk of the House, shall receive, each, the sum of seven hundred and fifty dollars, and five dollars for every twenty miles coming to and going from the Capitol. The above named amounts shall be payment in full for the services of all the abovenamed officers for the present session; and that the clerks of committees receive the same mileage as constitutional clerks; and the sum of seven dollars per day, each, to the Enrolling and Engrossing Clerks of the Senate and House of Representatives, for the time they have been actually employed, which shall only be allowed them upon the certificate of the Secretary of the Senate or Clerk of the House, stating that he required their services, and that they were actually performed; and the same sum per day to the clerks of committees of either House for the time they have been actually employed, which shall only be allowed them upon the certificate of the chairman of the committee, stating that the services were actually performed; that the sum of seven dollars per day be paid, each, to the Doorkeepers and Messengers of the Senate and House of Representatives of the General Assembly; and that the sum of five dollars be paid constitutional officers of the Senate and House of Representatives, for every twenty miles traveled in going to and returning from the seat of government, the distance to be computed by the nearest route usually traveled.

Journaliz'g Clerks, etc.

To be in full for sessions.

Clerks of committees to receive mileage.

Enrolling and Engrossing Clerks.

Per diem of Clerks of committees

Door-keepers and Messengers.

Mileage of officers of General Assembly.

5. SEC. V. That the various sums of the annual salaries of all the officers of this State, whose salaries are fixed by law, and for the support of public institutions, be, and the same are hereby appropriated annually, and shall be paid quarterly, until they are otherwise altered by law: that the sum of two thousand dollars be, and the same is hereby appropriated, to pay the salary of the Civil Engineer or Superintendent of Public Works.

Salaries appropriated annually, payable quarterly.

Salary of Civil Engineer.

6. SEC. VI. That the Treasurer be authorized to pay, from time to time, the officers of the government, whose salaries are appropriated by this Act, seventy-five per cent. of which amount services have been actually rendered at the date of such payment, taking receipt from such officers for the same, which receipt shall be as vouchers, and are hereby declared offsets to the extent of such payment to Executive warrants drawn at the end of the quarter for such officer's salaries.

Treasurer authorized to pay 75 per cent. of salaries.

7. SEC. VII. That there is appropriated for salary of Superintendent and Resident Physicians of the State Lunatic Asylum, the sum of two thousand five hundred dollars, for support of said institution. The Treasurer and Steward shall, at the close of each quarter, make a return, under oath, to his Excellency the Governor, of the actual number of pauper patients, and persons employed in the institution, for and during the past quarter, whereupon his Excellency the Governor, is authorized and required to

Sup't and Physician of Lunatic Asylum.

Treas. and Steward to make return of all pauper patients, etc.

Raising Revenue for 1872, and for other purposes.

- Governor** issue his warrant upon the Treasurer for the requisite sum, allowing
to issue an average of not exceeding seventy-five cents per diem for each
warrant for person so reported for and during the quarter, said sum to cover
per diem every expenditure of the asylum, for which special appropriation is
cost of each not otherwise made: provided, that his Excellency the Governor,
person so be, and he is hereby authorized to make, at the commencement and
reported. middle of each quarter, a safe advance to cover the cost of supplies
And cost of purchased under contract for the use of that quarter, and daily inci-
supplies, dental expenses; for finishing the additions to the asylum, now in
and daily course of erection, for the accommodation of one hundred and fifty
incidental more white, and fifty colored patients, and for making necessary
expenses. arrangements for ventilating, heating and supply and distribution
And for of water, bathing facilities, water-closets, sinks, etc., lighting and
other nec- furnishing those buildings—all of which is indispensable to render
essary ex- them available at all—the sum of thirty-seven thousand eight hun-
pendures. dred and fifty-five dollars; for removal of gravel roofing, and recov-
For roofing ering with suitable material, the roof of the front and intermediate
and recov- wings, the sum of five thousand dollars; for completion of brick
ering Asy- wall, about the premises, the sum of twelve thousand dollars; for
lum, etc. compensation of the Rev. Charles W. Lane, for ministerial services,
For com- the sum of two hundred and fifty dollars.
penation
of Rev. C.
W. Lane.
- For Acade-** 8. SEC. VIII. That the sum of eleven thousand dollars be, and
my for the the same is hereby appropriated to the Academy for the Blind in
Blind. this State, for the maintenance of pupils, and salaries of officers.
- Chaplain** 9. SEC. IX. That the sum of one hundred and fifty dollars be,
of House. and the same is hereby appropriated as compensation to the Chap-
Chaplain lain of the House of Representatives, and one hundred and fifty
of Senate. dollars to the Chaplain of the Senate, and two dollars per day to
Pages. the page of the Senate, and two dollars per day to each of the pages
of the House of Representatives.
- Treasurer's** 10. SEC. X. That the sum of sixteen hundred dollars be, and the
Clerk. same is hereby appropriated, to pay the clerk in the Treasurer's of-
Comptrol- fice; and the sum of sixteen hundred dollars to pay the clerk in the
ler's Clerk. Comptroller General's office; and that the sum of sixteen hundred
Secretary dollars be appropriated to pay the clerk in the Secretary of State's
State's Clk office.
- For John** 11. SEC. XI. That the sum (\$5,00) five dollars per day be, and
Johnson. the same is hereby appropriated, to pay John Johnson for bringing
For Peter water, sweeping and keeping in order the Representative Hall; and
McMichael (\$5,00) five dollars per day to Peter McMichael for attending to
Assistant similar duties in the Senate Chamber; and to each of the Assistant
Door-keep- Doorkeepers and Messengers of both Houses (\$5,00) five dollars per
ers & Mes- day; and (\$2,00) two dollars per day to John Bailey for cleaning
sengers. the gallery; and (\$2,00) two dollars per day to Tom Shafford for at-
J. Bailey. tending on the committee room; and (\$25,00) twenty-five dollars
T. Shafford shall be paid to E. Harden who has attended the committee room of
E. Harden. agricultural committee; that the keeper of the gallery be allowed in

Raising Revenue for 1872, and for other purposes.

addition to the five dollars per day the same mileage that is allowed to members. Keep'r Gallery allowed mileage.

12. SEC. XII. That the sum of (\$12,500,) twelve thousand five hundred dollars be, and the same is hereby appropriated, annually, for the pay of officers and teachers for the institution for the deaf and dumb; and the support and education of the indigent deaf and dumb children therein taught and supported. Deaf and Dumb Asylum.

13. SEC. XIII. That the sum of one thousand dollars be, and the same is hereby appropriated to the Principal Keeper of the Penitentiary, as his salary. For Keeper of Penitentiary.

14. SEC. XIV. That the sum of four hundred and twenty thousand dollars, or so much as may be necessary, be, and the same is hereby annually appropriated to pay, semi-annually and quarterly, the interest on the public debt, created prior to July, 1868. To pay interest on public debt

15. SEC. XV. That the sum of seventy-five dollars, or so much thereof as may be necessary be, and the same is hereby appropriated to the Clerk of the House of Representatives, and the sum of seventy-five dollars, or so much thereof as may be necessary, to the Secretary of the Senate, to defray the contingent expenses of their respective offices. That the several appropriations made by this Act shall be made in National currency, except in cases where it is otherwise provided by the Constitution. To Clerk of House.
To Sec'y of Senate.
Appropriations payable in National currency.

16. SEC. XVI. That the sum of eight hundred dollars, or so much thereof as may be necessary, be annually appropriated to the Clerk of the Supreme Court, for printing and stationery, and for purchasing the necessary record books, and binding of the opinions of the Supreme Court. For Clerk Supreme Court.

17. SEC. XVII. That in all cases in which money is appropriated in this Act, or otherwise, shall be drawn from the Treasury upon Executive warrant, such warrant shall specify for what service, or on what account the same is due. Warrant to specify service or account.

18. SEC. XVIII. For bringing up the books of the Western and Atlantic Railroad and taking charge of the same, the following sums are appropriated, as follows: To B. F. Moore, one hundred and fifty dollars per month, and to T. J. Pollard, J. A. Doane, J. T. Edwards, E. H. Morse, W. H. McMillian and P. Romaine, the clerks specified in the report of the finance committee as engaged in the bringing up of the books of the Western and Atlantic Railroad, one hundred dollars each, per month, for the time actually employed; and to Messrs. Redwine, Hammock and Rawson, one hundred dollars each, per month, for the time actually employed in protecting the books of the Western and Atlantic Railroad; and that the sum of eight hundred dollars be paid to Fleming G. Greive, for saving the Supreme Court reports, and one hundred and fifty dollars to D. B. Woodruff, architect, for examining the Capitol buildings, and three hundred dollars to J. B. Griffin for apprehending escaped convicts. For bringing up the books of W. & A. R. R.
To B. F. Moore.
To others engaged.
To protectors of books
To Fleming G. Greive.

19. SEC. XIX. That the sum of eight dollars be appropriated to

To refund money to certain parties.

To T. A. Johnston. pay T. A. Johnson for services as page of the House for four days, he having been appointed by the Messenger.

To Johnny Burnet. 20. SEC. XX. That the sum of seventy-eight dollars be, and the same is hereby appropriated to Johnny Burnet for services as page, during the last session of the General Assembly.

To Willis A. King, sheriff. 21. SEC. XXI. That the sum of three hundred dollars be appropriated to pay Willis A. King, Sheriff of Brooks county, to cover expenses incurred by him in traveling to and from the State of North Carolina, and carrying from thence, to said county of Brooks, the body of Nathan Bland, under indictment for the crime of murder, and for whom a requisition had been made by the Governor of Georgia, upon the Governor of North Carolina, and that the Governor be authorized to draw his warrant upon the Treasurer for this amount.

Relief of Mrs. Fleming. 22. SEC. XXII. That the sum of five thousand one hundred and ninety dollars be appropriated for the relief of Catherine S. W. Fleming.

The following appropriations made by this Act, to wit:

The several appropriations in the first section, the appropriation for a printing fund in the second section, the appropriation to pay the salary of the Principal Keeper of the Penitentiary in the thirteenth section, the appropriation to pay the interest on the public debt created prior to July 4, 1868, in the fourteenth section (this appropriation being stricken out for the reason that it discriminates unjustly between the creditors of the State) and the appropriation to the Clerk of the Supreme Court, in the sixteenth section are disapproved and stricken out.

All the appropriations made by this act, and not specially set forth as disapproved, are approved, December 15, 1871.

BENJAMIN CONLEY,
Governor.

No. II.—(O No. 200.)

An Act to refund to Jackson, Lawton and Bassinger a certain amount of money, the same being over-paid by them as taxes upon certain land in Chatham County belonging, to H. L. Toomer, a resident of South Carolina, the same being at the time under levy of attachment sued out by them.

Jackson, Lawton & Bassinger. 23. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the Governor be requested to draw his warrant on the Treasury in favor of Jackson, Lawton and Bassinger for the amount of two hundred and eighty dollars, the same being over-paid by them on the taxes due to the State, under regular and just returns of lands of H. L. Toomer, in the county of Chatham.

Tax over-paid to be refunded. 24. SEC. II. That the Ordinary and Tax-Collector of the county of Chatham, shall proceed to collect for the year eighteen hundred

School fund—Repeals 20th section of a certain Act.

and seventy one, a single tax upon said lands, at a valuation of six thousand dollars.

Officers to collect single tax for 1871.

SEC. III. Repeals conflicting laws.

Approved December 14th, 1871.

No. III.—(O No. 201.)

An Act to provide for the payment of a portion of the fund raised for School purposes to the City of Columbus.

25. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That it shall be the duty of the Comptroller General to ascertain the proportions of the interest upon the school fund now on hand, or which may be hereafter collected or appropriated, to which the City of Columbus would be entitled according to population, and such portion when determined, shall be paid over to the Treasurer of said City to be used only for school purposes under the direction and management of the trustees of the public schools in said city.

School fund raised in Columbus to be paid to the trustees of schools in that city.

26. SEC. II. That it shall be the duty of said trustees with said portion of school funds so paid to said treasurer, to establish public schools in said city for the children of colored persons, and to use for such purposes at least the same portion of said fund for the colored as for the white children.

Trustees to establish schools.

27. SEC. III. That if the proportion to which said colored children may thus be entitled, shall not be sufficient to keep and maintain schools for their benefit as much as three months in each year, it shall be the duty of the Mayor and Council of said city to levy and collect annually, by taxation, a sufficient amount to enable such board of trustees to keep up said schools at least three months in each year.

If fund not sufficient, tax to be levied.

28. SEC. IV. That said board of trustees shall, in the management of such schools, conform as near as practicable to the school laws of this State now in existence, or which may be hereafter adopted.

Schools subject to general school law.

SEC. V. Repeals conflicting laws.

Approved December 14th, 1871.

No. IV.—(O No. 7.)

An Act to repeal the twentieth section of an Act approved October 25, 1870, and for other purposes.

29. SEC. I. *Be it enacted by the General Assembly of Georgia,* That the twentieth section of the Act, raising a Revenue, and to ap-

Protection against fraudulent issues of bonds, etc.

Repealing
20th sec. of
Appropriation Act of
1870.

appropriate money for the use of the government, and to make certain appropriations, and for other purposes therein mentioned, approved October 25th, 1870, be and the same is hereby repealed.
Approved November, 29th, 1871.

TITLE II.

BONDS OF THE STATE.

SECTION.

1. Investigating committee to be appointed.
2. Committee sits in Atlanta from first March to first April, '72.
3. Committee to give notice.
4. Holders of bonds must report to committee.
5. Treasurer prohibited from paying interest.
6. State not pledged to payment by this Act.

SECTION.

7. Governor to draw warrant for expenses of committee.
8. Proviso relative to Governor's endorsement of railroad bonds.
9. Governor shall cause railroad to be examined.
10. Bonds must be registered in State House offices.
11. Treasurer to sign coupons.
12. Governor's endorsement withheld in certain cases.

(No. V.)

An Act to protect the people of the State of Georgia against the illegal and fraudulent issue of bonds and securities, and for other purposes connected with the same.

Preamble.

WHEREAS, Divers bonds, purporting to be bonds of the State of Georgia, and divers bonds bearing the endorsement of the State, have been issued and put in circulation by Rufus B. Bullock, late Governor of said State, and divers bonds issued prior to his administration, have been negotiated by him; and whereas it is believed that a large portion of said bonds have been illegally, and fraudulently issued and negotiated, and the extent and amount of said bonds so issued and negotiated is unknown to this General Assembly.

1. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia,* That there shall be a committee appointed of three, one by the President of the Senate, and two by the Speaker of the House of Representatives, who shall have full power and authority, to examine and ascertain the number of bonds which have been issued as hereinbefore recited in the preamble of this Act, and the aggregate amount thereof; and so far as they have been sold or hypothecated, by whom sold, the amount of money paid, to

Investigating com. to be appointed.

Protection against fraudulent issues of bonds, etc.

whom paid, when paid, for what purpose negotiated, and all other facts connected with the history of said bonds, and to report the same to the General Assembly at its next session.

2. SEC. II. That said committee so appointed, be authorized and required to meet and sit in the city of Atlanta, during a term not exceeding sixty days, commencing March 1st, 1872, for the purposes named in the first section of this Act, and said committee are hereby invested with full power and authority to examine witnesses under oath, to send for persons, books and papers, and to exercise such other powers as may be necessary to carry into effect the provisions of this Act.

Committee to set in Atlanta, from March 1 to Apr. 1, '72.

3. SEC. III. That it shall be the duty of said committee, immediately after their appointment, to give notice of the time and place of sitting by publishing this preamble and Act, at least two months prior to their sitting, in two newspapers in the city of Atlanta, two in the city of New York, two in the city of London, and one in the city of Frankfort.

Committee to give notice.

4. SEC. IV. That all persons holding bonds of the State of Georgia, or bearing the indorsement of said State, issued since July, 1868, are hereby required to report the same to said committee for registration, on or before the first day of April, 1872, and upon failure so to report said bonds, and to submit the same for registration, the same shall be deemed *prima facie* to have been illegally or fraudulently issued.

Persons having bonds to report to committee.

5. SEC. V. That the Treasurer of said State, be and he is hereby prohibited from paying any interest on any bonds issued, negotiated, or indorsed by the State, since the fourth day of July, 1868, until said committee shall have made their report, and the General Assembly shall otherwise direct.

Treasurer prohibited from paying interest.

6. SEC. VI. That nothing contained in this Act shall be so construed as to pledge the State of Georgia to the payment of any bonds issued or indorsed by the State since the fourth day of July, 1868, by reason of said bonds being registered as prescribed in this Act, should it afterwards appear that the same have been illegally or fraudulently issued.

State not pledged to payment by this act.

7. SEC. VII. That the Governor be, and he is hereby authorized and required, to draw his warrant upon the Treasury in favor of said committee, or such persons as they may designate, for an amount sufficient to defray the expenses of publishing this preamble, and such other printing as may be necessary to carry into effect the provisions of this Act.

Governor to draw his warrant for expenses of committee.

SEC. VIII. Repeals conflicting law.

December 9th, 1871, passed both Houses, by a constitutional majority, over the veto of his Excellency the Governor.

To enforce Article III., Section 6, Paragraph 5, of the Constitution.

No. VI.—(O No. 71.)

An Act to carry into effect and enforce Article 3, Section 6, Paragraph 5, of the Constitution of this State, to protect the interest of the State in extending aid to Railroads, and for other purposes.

Provision
relative to
Governor's
indorsement
of railroad
bonds.

8. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That before the Governor shall hereafter place the indorsement of the State on any railroad bond, or shall issue bonds of the State to any railroad, he shall be fully satisfied from the sworn statements of the president, treasurer and directors of the company applying for indorsement or issue of bonds, that an amount of money equal to the amount of indorsement applied for, or to the amount of the bonds of the State applied for, has, in good faith, been invested in such company by private persons, as provided in Article 3, Section 6, Paragraph 5, of the Constitution of this State; *Provided*, that nothing in this section shall be construed as relieving the Governor from the duty of taking other evidence as to the amount so invested by private persons, whenever he is not fully satisfied by the sworn statements hereinbefore provided.

Governor
shall cause
road to be
examined.

9. SEC. II. That the Governor shall, also, before he places the indorsement of the State on the bonds of any railroad, or before he issues the bonds of the State to any railroad, cause a rigid and thorough examination of such railroad to be made by three disinterested persons skilled in the construction of railroads, whose compensation shall be fixed in each case by the Governor, but paid by the railroad company, whose road is to be examined. Said persons shall make a report to the Governor, under oath, of the manner in which such railroad is constructed, and whether the company is complying with the requirements of the statute under which the aid of the State was granted, and a certificate of such examination shall be entered on or attached to bonds indorsed for or issued to such railroad.

Bonds shall
be registered
in State
offices.

10. SEC. III. That all bonds hereafter issued or indorsed under authority of any Act granting aid to railroads shall, as part of their execution, and before delivery, be registered in the Executive office, the office of the Comptroller General, the office of the Secretary of State, and office of the Treasurer.

Treasurer's
name to be
signed to
coupons.

11. SEC. IV. That the name of the treasurer shall be required to the coupons attached to all bonds indorsed, or issued, as hereinbefore provided, and said coupons upon maturity shall be presented to the treasurer for payment.

SEC. V. Repeals conflicting laws.

Approved, December 11th, 1871.

Governor's indorsement withheld.

No. VII.—(O No. 90.)

*An Act to carry into effect Paragraph 3d, Section 5th, Article 3d.
of the Constitution of the State of Georgia.*

12. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, the Governor is hereby authorized and required to withhold his indorsement of the credit of the State upon any bonds issued by any railroad company, incorporated since the fourth day of July, 1868, until it is made clearly to appear, that at the date of making application for indorsement as aforesaid, there has already been actually invested in said railroad, by private persons, an amount equal to that for which indorsement is applied.

Governor's
indorsement
to be with-
held from
R. R. bonds
in certain
cases.

SEC. II. Repeals conflicting laws.

Approved, December 12, 1871.

NOTE.—This Act appears to be erroneous, and to refer to the same Article, section and paragraph as the preceding Act, No. VI.

TITLE III.

CODE, AMENDMENTS TO.

ACTS.	SUBJECT MATTER.	SEC. OF CODE.
No. 8.....	GENERAL ASSEMBLY, PER DIEM.....	178
9.....	ELECTIONS, ELIGIBILITY, ETC.....	1201
10.....	PUBLIC ROADS.....	649
11.....	INSURRECTION.....	4251
12.....	MORTGAGES.....	3895
13.....	PUBLIC PRINTER.....	1035-1038
14.....	TAXATION.....	812
15.....	INJUNCTION.....	3151
16.....	CERTIORARI.....	4779
17.....	ATTORNEYS.....	244
18.....	JOURNALS GENERAL ASSEMBLY.....	1052
19.....	HOLIDAYS.....	2741

(No. VIII.)

An Act to alter and amend Section 178 of Irwin's Revised Code.

SEC. I. *The General Assembly of the State of Georgia do enact,*
 That section 178 of Irwin's Revised Code, be altered and amended
 so as to read as follows: The President of the Senate, and Speaker
 of the House of Representatives, receive ten dollars, and the other
 members of the General Assembly, seven dollars, for each day's at-
 tendance, and all are allowed five dollars for every twenty miles of
 travel, going to and returning from the seat of government, the
 distance to be computed by the nearest route usually traveled.

SEC. II. That the provisions of this Act shall apply to members
 of the General Assembly, from the beginning of the present session.

December 7th, 1871, passed over the veto of his Excellency the Governor, by a
 constitutional majority in both Houses.

NOTE.—By section 178 of the Code, the President of the Senate and Speaker of
 the House, receive twelve dollars per day, and the other members nine dollars per
 day. The mileage remains the same.

Amendments to Code.

No. IX.—(O No. 104.)

An Act to repeal Section 121 of Irwin's Revised Code, and for other purposes.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That section 121 of Irwin's Revised Code, which reads as follows: "If at any popular election to fill any office, the person elected is ineligible under the foregoing rules, the person having the next highest number of votes, who is eligible, whenever a plurality elects, shall be declared elected, and be qualified and be commissioned to such office," be, and the same is hereby repealed. Sec. 1201 repealed.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

No. X.—(O No. 103.)

An Act to alter and amend Section 649 of Irwin's Revised Code.

SEC. I. *Be it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, section 649 of the Code, be so altered as to read as follows: "All male inhabitants, white and black, in this State, between the ages of sixteen and fifty years, shall be subject to work on the public roads, except licensed ministers of the gospel." Male inhabitants, between 16 and 60 years of age shall work public roads, except ministers.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

NOTE—The section of the Code amended as above, included among the exemptions, professors of colleges and teachers engaged in teaching. As to physicians, see Act No. XXIV.

No. XI.—(O No. 76.)

An Act to amend Section 4251 of Irwin's Revised Code.

SEC. I. *Be it enacted by the Senate and House of Representatives, of the State of Georgia,* That from and after the passage of this Act, the word "at," after the word "attempt," in the second Attempt to incite insurrection made penal

Amendments to Code.

line of section 4251 in Irwin's Revised Code, shall be stricken out, and the following words shall be inserted in lieu thereof, "to incite."

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

NOTE.—Section 4251 of the Code was as follows: "Any person convicted of the offense of insurrection, or an attempt at insurrection, shall be punished with death, or, if the jury recommend to mercy, confinement in the Penitentiary for a term not less than five nor more than twenty years."

SUPREME COURT DECISION.

That section 4251 of the Code, fixed no punishment for the offense of an attempt to incite insurrection. Case of Gibson vs. the State, 38 Georgia Reports, 571.

No. XII.—(O No. 67.)

An Act to alter and amend Section 3895 of Irwin's Revised Code.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, section 3895 of Irwin's Revised Code, shall be amended so as to read as follows, to-wit: "Mortgages on personal property shall be foreclosed in the following manner, to-wit: Any person holding a mortgage on personal property, and wishing to foreclose the same, shall, either in person, or by his agent, or attorney in fact, or at law, go before some officer of this State who is authorized by law to administer oaths, or a commissioner for this State residing in some other State, and make affidavit of the amount of principal and interest due on such mortgage, which affidavit shall be annexed to such mortgage, and when such mortgage with such affidavit annexed thereto, shall be filed in the office of the Clerk of the Superior Court of the county wherein the mortgager resides at the date of the foreclosure; if a resident of this State, or where he resided at the date of the mortgage, if not a resident of this State, it shall be the duty of such Clerk to issue an execution directed to all and singular, the Sheriffs and Coroners of this State, commanding the sale of the mortgaged property to satisfy (the said) principal and interest, together with the costs of the proceedings to foreclose the said mortgage."

Mode of
foreclosing
mortgages
of personal
property.

Clerk
of Superior
Court to is-
sue execu-
tion.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

NOTE.—This amendment changes the Code inasmuch as it imposes upon the Clerk of the Superior Court the duties formerly required of a Judge of the Superior Court.

Amendments to Code.

No. XIII.—(O No. 5.)

An Act to alter and amend Section 1035 and 1038 of the Revised Code, and for other purposes.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That section 1035 of the Revised Code be, and the same is hereby amended by striking out the words "two thousand," and inserting in lieu thereof the words "seven hundred and fifty." Sec. 1035 amended.

SEC. II. That section 1038 be amended by inserting therein in the sixth line of said section, just after the word "employed," the word "stating that said account is correct and just; and that the prices paid are not above the customary rates for similar work and material, when employed in the service of private parties to do a like amount of printing, and that said section be further amended by striking out "thirty per cent." and inserting "twenty-five per cent." in lieu thereof; but the Public Printer shall not print at public expense, so much of the Comptroller General's report as relates to the condition of Insurance Companies out of this State. Printer to make oath that the account is correct.
Not to print reports of foreign insurance companies.

Approved November 28th, 1871.

NOTE.—The following are the sections of the Code. Section 1035—There shall be printed two thousand copies of the journal of each branch of the General Assembly, and four thousand copies of the laws, to be bound, by said Printer, in durable style, and equally as well the Laws of 1868-4.

§ If said Printer shall legally and faithfully perform his duties, he shall be compensated as follows: He shall be paid thirty per cent. on the actual cost of the material and labor employed in the public printing; *provided* that before being paid, he shall make out an account, on oath, of the actual cost of material and labor employed, and present the same to his Excellency the Governor, who may allow or reject said account, or any part thereof, as, in his judgment, shall seem right and just.

No. XIV.—(O No. 177.)

An Act to repeal Section 812 of Irwin's Code, and to prescribe the mode of taxing shares in Banks or other Corporations having banking privileges.

SEC. I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, all shares in any bank or corporation, having banking privileges in this State, shall be given in by the individual or corporation owning the said shares, which shall be taxed according to the fair market value of such shares, on the first day of April, of the year for which they are returned. *Provided*, that the bank or corporation with banking privileges may, through the proper officer, return all the shares belonging to its shareholders, and pay the tax for them, and in that event the individual shareholder shall not be liable to return his shares: *Provided*, Shares in corporations to be given in by owner or corporation.

Amendments to Code.

Proviso. *further*, that in the event the bank or corporation itself should elect to make the return, it shall, through its proper officer, give notice to each of its shareholders to that effect, on or before the 31st day of March, in each and every year.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

NOTE.—The section repealed was as follows: "The several banks or other corporations in this State, having banking privileges, shall pay a tax annually of forty cents on every hundred dollars of the highest amount of their capital stock paid in within the limits of their respective charters."

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No. XV.—(O No. 187.)

An Act to amend Section 3151, Part II., Title 9, Chapter 14, of the "Revised Code."

Repealing Act repealed. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia*, That an Act entitled an Act to amend section 3151, Part II., Title 9, Chapter 14, of the Revised Code, approved October 27th, 1870, be and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Approved December 14th, 1871.

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No. XVI.—(O No. 210.)

An Act to alter and amend Section 4779 of Irwin's Revised Code

Certiorari may issue as in other cases to Mayor of Savannah. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of section 4779 of Irwin's Revised Code, having reference to the Police Court of the city of Savannah, as reads as follows: "and no *certiorari* shall ever be allowed or granted, until such is entered, and the same is heard and determined by Council," be stricken from the said section, and the following words be inserted in lieu thereof: "and the writ of *certiorari* may issue to the Mayor of said city, or to the person presiding in said court, upon the same terms, and under the same rules, as regulate the issuing of said writ in other cases, except that in case of the imposition of a fine, no *certiorari* shall be allowed until the fine imposed by the Mayor or other person presiding in said court, and all costs shall be deposited in the treasury of the city, to abide the final decision of the case.

SEC. II. That nothing in this Act shall be construed to deprive any person of the right to appeal to the said City Council,

Amendments to Code.

under the terms of the said section, nor to deprive him of the right ^{Appeal to} to a *certiorari*, after the said City Council has acted upon the ^{city council} appeal, in the manner now practiced and prescribed in said section, ^{may still be} but that the remedies shall be concurrent. ^{had.}

SEC. III. Repeals conflicting laws.

Approved December 15th, 1871.

No. XVII.—(O No. 6.)

An Act to explain and alter Section 244 of the Revised Code of Georgia.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That section 244 of the Revised Code of Georgia, as to attor- ^{Att'ys may} neys at law, shall have no application, and it is hereby declared not ^{be Clerks of} to apply to the clerk of the City Court of Savannah, except as to ^{City Court} causes in said City Court. ^{of Savan'h.}

SEC. 2. Repeals conflicting laws.

Approved November 28th, 1871.

No. XVIII.—(O No. 77.)

An Act to amend Section 1052 of the Revised Code.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act section 1052 of ^{Two copies} the Revised Code be amended by striking out "ten" copies of the ^{of Journal} journals to be furnished each county, and inserting "two" copies. ^{to be sup-} ^{plied each} ^{county.}

Approved December 12th, 1871.

No. XIX.—(O No. 56.)

An Act to amend an Act entitled an Act to alter and amend Paragraph in Section 2741, Article II, Part II, Title 7, Chapter 7, of the Code of Georgia, approved 25th of October, 1870.

SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby* ^{Legal} *enacted by the authority of the same*, That the following days, viz: ^{holidays.} the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and any day appointed or recommended by the Governor of this State, the civil

Farming out Convicts.

authorities of any city, or the President of the United States, as a day of fast or thanksgiving, shall for all purposes whatsoever, as regards the presenting for payment, or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes made after the passage of this Act, be treated and considered as is the first day of the week commonly called Sunday, and when either of those days shall occur on Sunday, the following Monday shall be deemed a public holiday, and any bill of exchange, bank check, or promissory note made after the passage of this Act, which, but for this Act, would fall due and payable on such Sunday, or Monday, shall become due and payable on the Tuesday next succeeding such days.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

TITLE IV.

CONVICTS.

SECTION.

1. Governor to farm out; persons hiring to give bond.
2. Officers Penitentiary, except Principal Keeper, discharged.
3. Convicts not worked outside the State.
4. Governor to cancel contract on failure of compliance.

SECTION.

5. Public property of penitentiary to be accounted for by lessees.
6. Contract with Grant, Alexander & Company, recognized.
7. Convicts to be discharged at expiration of sentence.
8. Provision in case of two lessees.

No. XX.—(O No. 198.)

An Act for farming out the convicts of the Penitentiary, of the State of Georgia, and for other purposes.

Gov. authorized to farm out.

Consideration.

Persons hiring to give bond.

1. SEC. I. *The General Assembly of the State of Georgia do enact,* That the Governor is hereby authorized and directed, to farm out the convicts of the Penitentiary for a term of years not less than one nor more than two years, and in such numbers as in his discretion he may see proper, to any one person or company of persons, as shall take them at a consideration not less than twenty-five dollars, (except in cases where the term of service of any convict expires, or is pardoned before a year, then a *pro rata* proportion of said twenty-five dollars, for the time so rendered by said convict) *per capita*, annually, and give sufficient bond and security, as the Governor, in his discretion, may require, for the faithful and full

Farming out Convicts.

compliance with their contract with the State, and which contract shall require the humane treatment of the convicts, their security and management, in accordance with the rules and regulations now in force for the control of the convicts, in so far as the same may be consistent with the working of the convicts on any public works in the State of Georgia, and the Governor is hereby authorized and directed, to turn over to the lessee or lessees, hereafter contracting under this Act, such convicts as may hereafter be sentenced to the Penitentiary, having due regard to the rights of contractors, and the priority of date of their contracts: *Provided*, no contract shall be made which shall not relieve the State from all expenses except the salary of the Principal Keeper.

2. SEC. II. That all the officers and employees now required and employed in and about said Penitentiary, shall be discharged, except the Principal Keeper thereof, after such contract as hereinbefore named shall have been made, and the convicts turned over to the contractors. The Principal Keeper shall continue in office as Inspector of convicts, and shall report to the Governor any and all violations of the contracts by the persons to whom the convicts shall have been farmed, and discharge all the duties now required of him by law, as well as those of Inspector of the Penitentiary, so far as such discharge shall be consistent with the carrying out of the contract or contracts hereinbefore authorized.

3. SEC. III. That the lessee or lessees of said convicts shall not be permitted to work the convicts outside the limits of the State, nor more than ten hours each day, nor shall the convicts be permitted to work on the Sabbath day, nor shall corporeal punishment be inflicted upon any of said convicts, unless the same shall be absolutely necessary to secure discipline, and, at the expiration of the lease, the said lessee or lessees shall deliver possession of the machinery, buildings, fixtures and other property received by them, in as good repair as the same is when received by them.

4. SEC. IV. That upon the failure of the lessee or lessees to faithfully comply with their contract with the State in regard to the humane treatment, security and management of said convicts in accordance with the rules and regulations now in force for the control of the convicts, that the Governor be, and is hereby empowered, in his discretion to annul and cancel the contract or contracts of the lessee or lessees so violating, and to farm out the convicts so leased by him or them, for the unexpired term remaining after said breach of contract as aforesaid.

5. SEC. V. That his Excellency the Governor be authorized and required to nominate in the contracts which may be made, all items of public property which may be turned over by the Principal Keeper of the Penitentiary to the contractors, under this Act, and it shall be the duty of the lessee or lessees faithfully to return and account for the same at the expiration or termination of their contract from any cause.

Officers except Principal Keeper to be discharged.

Convicts not to be worked out of the State

Governor may cancel contract on failure to comply.

Public property to be accounted for by lessee.

Farming out Convicts.

Contract
with Grant
& Co. rec-
ognized.

6. SEC. VI. That the contract under which the present lessees, Grant, Alexander & Company, control and manage the convicts be, and the same is hereby recognized and declared valid, and the said lessees are authorized to hold the said convicts and work them according to the terms of their contract, made June the 28th, 1869, with Rufus B. Bullock, then Governor of Georgia, until the first day of April, 1872, when the said convicts, and the property turned over to them, after the making of said contract, shall be returned to the State of Georgia, to be disposed of and farmed out under the provisions of this Act, and the Governor of the State is hereby directed to give notice of this Act to said lessees, at least thirty days before the said 1st day of April, 1872.

Convicts
to be dis-
charged on
expiration
of sentence

7. SEC. VII. That it shall be the duty of all lessees of the Penitentiary of this State, and all persons having charge or control of any convicts in said Penitentiary, or engaged as a convict on any of the public works, to discharge such person immediately upon the expiration of the term for which he or she may have been convicted and sentenced, or when such (person) shall have been pardoned, any lessee or other person having the custody, charge or control of such convicts who shall wilfully violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as prescribed in section 4245 of the Revised Code.

In case of
two lessees.

8. SEC. VIII. That in the event of the convicts being farmed out to more than one party in separate squads, then the disabled and feeble, shall be proportioned, in proportion to the number that each of said parties may have.

SEC. IX. Repeals conflicting laws.

Approved December 14th, 1871.

Special election for Governor.

TITLE V.

ELECTIONS.

SECTION.

1. Election for Governor, when held.
2. Returns how directed and transmitted.
3. Senate to send returns to House of Representatives.
4. Provision in case of no majority, Legislature to elect the candidate

SECTION.

- having the greatest number of votes.
5. Act of October 3d, 1870, repealed.
6. Ordinary's office, Vacancies in, how filled, Clerk's Superior Courts to order elections.

(No. XXI.)

An Act to provide for a Special Election for Governor, to fill the unexpired term of Rufus B. Bullock, late Governor, and for other purposes.

WHEREAS, By the resignation of Rufus B. Bullock, late Governor, the office of Governor has become vacant, and the duties of said office are now being discharged by Honorable Benjamin Conley, President of the Senate at the time of said resignation; and whereas, the Constitution provides, that the General Assembly shall have power to provide by law for filling unexpired terms, by special election, therefore,

1. SEC. I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That a special election for Governor shall be held throughout the State, on the third Tuesday in December, 1871, to fill the unexpired term for which Rufus B. Bullock was elected, which said election shall be held as is provided by Irwin's Revised Code, as of force prior to the 3d day of October, 1870, and the Constitution of this State, for the regular election for Governor and members of the Legislature.

2. SEC. II. That the returns for said election shall be sealed up by the managers, and be directed to the President of the Senate, and Speaker of the House of Representatives, and transmitted to the person exercising the duties of Governor for the time being, who shall, without opening the said returns, cause the same to be laid before the Senate, if the Senate be in session when received, and if received during the recess of the General Assembly, then so soon as the General Assembly convenes, the same shall be laid before the Senate.

3. SEC. III. The Senate shall forthwith transmit to the House of Representatives said returns, if the General Assembly shall then be in session, or so soon thereafter as the General Assembly convenes,

Providing for an election.

and such proceedings shall thereafter be had for convening the two Houses in the Representative Chamber, opening said returns, counting, publishing the vote, and declaring the result of said election, as is provided by Article 4, Section 1, Paragraph 3, of the Constitution; and the Governor thus chosen, shall be inaugurated for such unexpired term in the manner heretofore practiced in this State, on the next day thereafter, at twelve o'clock, M.

Gov. elect to be inaugurated on next day after returns are consolidated.

4. SEC. IV. That if no person be found to have received a majority of the whole number of votes cast at said election, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election, at the time appointed for the Legislature to elect, the General Assembly shall immediately elect a Governor *viva voce*, or if the election be contested, then the two Houses of the General Assembly, in joint session, presided over by the President of the Senate, shall hear the contestants, and decide which contestant has been elected, and in such joint session, a majority shall decide.

If no person found to receive majority.

Legislature to elect one of the two highest candidates.

SEC. V. Repeals conflicting laws.

Passed over the veto of the Governor, November, 22d, 1871.

No. XXII.—(O No. 15.)

An Act to repeal an Act entitled an Act to provide for an election, and to alter and amend the laws in relation to the holding of elections, approved October 3d, 1870.

5. SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, the Act entitled an Act to provide for an election, and to alter and amend the laws in relation to the holding of elections, approved October 3d, 1870, be and the same is hereby repealed.

Act of Oct. 3d, 1870, repealed.

SEC. II. Repeals conflicting laws.

Approved December 4th, 1871.

NOTE—This repealing Act brings in force the provision of the Constitution as to the time and manner of holding elections.

No. XXIII.—(O No. 220.)

An Act to provide a mode of filling vacancies that may now or hereafter exist in the office of Ordinary of the several counties of this State.

Preamble. WHEREAS, The law, as it now stands, is deficient in regard to filling the office of Ordinary, in case of a vacancy, in the several counties of this State, since the duty of ordering such elections by

Physicians and Firemen exempt from jury duty.

existing laws devolves upon the Inferior Courts, that Court being now abolished; for remedy whereof,

6. SECTION I. *Be it enacted by the Senate and House of Representatives, in General Assembly met,* That from and after the passage of this Act, when a vacancy occurs, or where one now exists, in the office of Ordinary, in any of the counties of this State, it shall be the duty of the Clerk of the Superior Court of said county, on the fact of said vacancy being made known to him, to order an election to take place within twenty days from the date of said order, and notice thereof shall be given by publication in the public gazette in which the Ordinary of said county publishes his citations.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

TITLE VI.

EXEMPTIONS.

SECTION.

1. Physicians exempt from jury duty.
2. Firemen exempt from jury duty.
3. Secretary to report names of members to Clerk Superior Court.
4. Officers exempted.

SECTION.

5. Vacancies, how filled.
6. List of firemen exempted to be posted in clerk's office.
7. Ratio of exemptions to population to towns.

No. XXIV.—(O No. 95.)

An Act to exempt from jury duty, all regularly licensed Physicians who are actually engaged in the practice of their profession.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, all regularly licensed physicians who are actually engaged in the practice of their profession, shall be and they are hereby exempt from jury duty.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

No. XXV.—(O No. 22.)

An Act to exempt Firemen from jury duty.

2. SEC. I. *Be it enacted by the General Assembly of Georgia,* That the following number of active firemen from each and every company in this State, including officers of said companies, be exempt from

Firemen exempt, etc.

jury duty: Engine companies, whether steam or hand, including hose, sixty members; independent hose companies, forty members; hook and ladder companies fifty members.

Sec'y of
each com-
pany to re-
port names
of members
to Cl'k Su-
Court.

3. SEC. II. That on the second Wednesday in January of each and every year, the secretary of each and every fire company in this State, shall report in writing to the clerks of the various courts of the county in which his company exists, the full names of the members, with that of the company to which they belong, whom said company desires to have exempt from jury duty, as active members of said organization, which members shall be exempt from jury duty.

Officers
exempted.

4. SEC. III. That the officers of each fire department in this State be exempted from jury duty: *Provided*, this section shall not exempt more officers than one chief, two assistant chiefs, one secretary, and one treasurer of any fire brigade, or other organization into which the fire companies of any town or city may be aggregated.

Vacancies—
how filled.

5. SEC. IV. That in case of the death or resignation of any member whose name is entered on the lists referred to, before the second Wednesday in January of the ensuing year, his place on said list may be supplied, by the name of any fireman selected by the company, and reported to the clerks of the various courts, by the secretary of said company.

List of fire-
men, etc.,
exempted,
to be post'd
in Clerk's
office.

6. SEC. V. That the lists of firemen exempted from jury duty, reported by the secretaries of the respective companies to the clerks of the various courts, shall be posted in a conspicuous place in the offices of said clerks.

Ratio of
exempted
firemen to
population
of towns
and cities.

7. SEC. VI. That the provisions of this Act shall apply to all fire companies now organized: *Provided*, that the total number exempted shall not exceed the following, to wit: In any town or city of less than ten thousand inhabitants two hundred; in towns or cities of not more than fifteen thousand nor less than ten thousand inhabitants three hundred; in towns or cities of not more than twenty thousand nor less than fifteen thousand four hundred; and in towns and cities of more than twenty thousand inhabitants six hundred; and *provided further*, that companies organized at the time of the passage of this Act, shall be entitled to fill up their companies to the full number allowed by the provisions of this Act.

SEC. VII. Repeals conflicting laws.

Approved December 5th, 1871.

NOTE.—The Supreme Court at the July Term, 1871, in the case of *Rust et al.*, decided that the Act of 1868 repealed all previous laws granting exemptions from jury duty.

Alapaha Circuit abolished, etc.

TITLE VII.

JUDICIARY—SUPERIOR COURTS.

DIVISION I.—CIRCUITS, CHANGES IN, ETC.

SECTION

1. Allapaha Circuit abolished.
2. Lowndes attached to Southern Circuit.
3. Oconee Circuit created.
4. Judge and Solicitor of, how appointed.
5. Judge and Solicitors of other Circuits to act.
6. Time of sessions of Court.
7. Process at time specified in this Act.
8. Campbell, time of holding court in, changed.
- 9-10. Camden, time of holding court in, changed.
- 11-12. Catoosa, time of holding court in, changed.
- 13-14. Charlton, time of holding court in, changed.
15. Elbert, adjournment of legalized.

SECTION.

16. Gordon, time of holding court in, changed.
17. Lee, time of holding court in, changed.
18. Richmond, time of holding court in, changed.
- 19-23. Talbot, time of holding court in, changed.
24. Worth, time of holding court in, changed.
- 25-27. Jasper, time of holding court in, changed.
- 28-31. Brunswick and Blue Ridge Circuits, time of holding court in, changed.
- 32-33. Eastern Circuit, time of holding court in, changed.
- 34-35. Macon Circuit, time of holding court in, changed.
- 36-37. Middle Circuit, time of holding court in, changed.

No. XXVI.—(O No. 20.)

An Act to repeal so much of an Act entitled an Act to create and organize a new Judicial Circuit out of the counties composing the Southwestern, Brunswick and Southern Circuits, to provide for the appointment of Judges therefor, and for other purposes, approved October 17th, 1871, as creates out of the counties of Echols, Lowndes, Clinch, Coffee and Ware, the Allapaha Judicial Circuit, and to add the said county of Lowndes to the Southern Judicial Circuit, and the counties of Echols, Clinch, Coffee and Ware, to the Brunswick Judicial Circuit..

1. SEC. I. *Be it enacted by the Senate and House of Representatives,* Alapaha
Circuit
abolished.
That so much of the above recited Act as creates the Allapaha Judicial Circuit be, and the same is hereby repealed.

2. SEC. II. That the county of Lowndes be, and it is hereby attached to the Southern Judicial Circuit, and the counties of Echols, Clinch, Coffee and Ware, be, and they are hereby attached to the Brunswick Judicial Circuit. Lowndes
Co. attach-
ed to So. Ct

SEC. III. Repeals conflicting laws.

Approved December 4th, 1871.

Oconee Circuit created, etc.

No. XXVII.—(O No. 148.)

An Act to create and organize a new Judicial Circuit out of the counties composing the Southern, Macon, and Middle Circuits, to provide for the appointment of a Judge thereof, and for other purposes.

Oconee Ct. organized. 3. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, there shall be created and organized a new Judicial Circuit in this State to be called the Oconee Circuit, to be composed of the counties of Dooly, Pulaski, Wilcox, Irwin, Telfair, Dodge, Laurens and Montgomery.

Judge and Solicitor appointed. 4. SEC. II. That there shall be appointed by the Governor, for the term prescribed by the Constitution, and to be confirmed by the Senate, a Judge of the Superior Court, and a Solicitor General for said new Circuit.

Until confirmed, the Judge and Solicitor of other C'ts. to perform duties. 5. SEC. III. That until such appointment and confirmation, the Judge of the Superior Courts, and the Solicitors General of the Southern, Macon and Middle Circuits, shall continue the duties now resting upon them in their respective counties, from which the aforesaid new Circuit is made, for said counties.

Term of sessions of Superior Courts. 6. SEC. IV. That from and after the passage of this Act, the Superior Courts of the several counties of the Oconee Circuit, shall be held as follows: In Wilcox county, on the third Mondays in March and September; in Irwin county, on Friday after the third Mondays in March and September; in Dooly county, on the fourth Mondays in March and September; in Montgomery, on Thursday, after the first Mondays in April and October; in Laurens county, on the second Mondays in April and October; in Pulaski county, on the third Mondays in April and October; in Dodge county, on the fourth Mondays in April and October; and in Telfair county, on Thursday after the fourth Mondays in April and October, in each year.

Process to be returnable at term specified in this Act—jurors, etc., to attend. 7. SEC. V. That all bills, petitions, writs, precepts, processes, summonses, and other proceedings issued and returnable to the several Superior Courts in said counties, respectively, at the times now fixed by law, be held to be returnable to the first terms, to be held in pursuance of this Act, and that all suitors, jurors, witnesses, and other persons who may be bound to attend said Courts, be required to attend them at the times fixed by this Act, without other or further notice.

SEC. VI. Repeals conflicting laws.

Approved December 12th, 1871.

Time of holding certain Superior Courts changed.

No. XXVIII.—(O No. 186.)

An Act to change the time of holding the Superior Court of Campbell county.

8. SEC. I. *Be it enacted, etc.,* That from and after the passage of this Act, the time for holding the Superior Court of Campbell county ^{Campbell county.} shall be on the second Monday in February and August, of each year, instead of the time now prescribed by law.

SEC. II. Repeals conflicting laws.

Approved December 14th, 1871.

No. XXIX.—(O No. 125.)

An Act to change the time of holding the Superior Court in the county of Camden.

9. SEC. I. *Be it, and it is hereby enacted by the General Assembly of the State of Georgia,* That on and after the passage of this Act, the time for holding the Superior Court of Camden county, be changed ^{Camden Court changed.} from "the Thursday after the meeting of the Charlton county Superior Court,;" to the second Mondays in May and November.

10. SEC. II. *Be it further enacted,* That all processes, writs and other proceedings heretofore, or hereafter issued returnable to said Superior Courts, are hereby returnable to the said Courts as provided for by this Act. ^{Processes—returnable.}

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. XXX.—(O No. 127.)

An Act to change the time for the holding of the Superior Court in the county of Catoosa.

11. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the time for the holding of the Superior Court of the county of Catoosa, shall be changed to the second Mondays of February and August, in each year, instead of the first Mondays in March and September, as now held. ^{Catoosa Court changed.}

12. SEC. II. *Be it further enacted, etc.,* That all writs, processes, and other proceedings returnable to the said Superior Court, shall be made returnable to the terms of said Court as provided for by this Act. ^{Processes—returnable.}

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

Adjournment of Elbert Superior Court legalized.

No. XXXI.—(O No. 114.)

An Act to fix the time of holding the Superior Courts for Charlton county.

Charlton
Court
changed.

13. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the Superior Courts for the county of Charlton, shall be held on the first Monday in May and November of each year.

14. SEC. II. This Act shall take effect from and after the first day of January next.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. XXXII.—(O No. 124.)

An Act to legalize the adjournment of the Superior Court of Elbert county.

Preamble.

WHEREAS, The Superior Court of Elbert county, that ought to have been held on the second Monday in March, 1870, as prescribed by law, was adjourned by order of the presiding Judge, to the second Monday in May, 1870, at which time said Court was held, and, whereas, the legality of said order is doubted :

Adj'n'm't
legalised.

15. SEC. I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That the said adjournment of the Superior Court of Elbert county, from the second Monday in March, 1870, to the second Monday in May, 1870, is hereby declared to be, and made legal, and the proceedings of said Court, at the said adjourned term, shall be as valid as if held at a regular term.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. XXXIII.—(O No. 89.)

An Act to change the time of holding the Superior Court of the county of Gordon.

Gordon
Court
changed.

16. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That after the passage of this Act the time for holding the Superior Court for the county of Gordon, shall be changed from the first Monday in April, and the first Monday in October, to the third Monday in February, and the third Monday in August, in each year.

Time of holding Court in Lee and Richmond county changed.

SEC. II. That all processes and proceedings returnable to the Superior Court of said county, are hereby made returnable to the Courts as provided in this Act.

SEC. III. Repeals conflicting laws.

Approved December 12th, 1871.

No. XXXIV.—(O No. 150.)

An Act to change the time of holding the Fall Term of Lee Superior Court.

WHEREAS, Under the existing law, the fall term of Lee Superior Court is required to be held on the fourth Monday in September, in each year, and whereas, owing to the great amount of sickness in said county in the fall, it being almost impossible to hold court at that time. Therefore, Preamble.

17. SEC. I. *Be it enacted by the Senate and House of Representatives,* That from and after the passage of this Act, the fall term of Lee Superior Court shall be held on the second Monday in November, instead of the fourth Monday in September. Lee Court changed.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. XXXV.—(O No. 91.)

An Act to change the time of holding the Superior Court of Richmond county.

18. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the next term of the Superior Court of Richmond county, after the adjournment of the January term, 1872, of said Court, shall commence the third Monday in October, 1872, and that thereafter, said Superior Court shall be regularly held on the third Monday in April, and on the third Monday in October, of each and every year. Richmond county.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

Time of holding the Superior Court of Talbot county changed.

No. XXXVI.—(O No. 61.)

An Act to change the time of holding the Superior Courts of Talbot county, to extend the time of the same, and to provide for drawing jurors for said extended time, and for other purposes.

Talbot
county
Courts
changed.

19. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the time for holding the Superior Courts of Talbot county shall be changed from third Monday in March, and the third Monday in September, to the first Monday in March, and the first Monday in September, in each year.

Processes—
when
returnable.

20. SEC. II. That all writs, processes and orders, which are returnable to the terms of said Court, as are now held by law, be, and the same are hereby made returnable, and in order to the times for holding said Courts, as changed by this Act, and that all jurors, suitors, witnesses and other persons or parties, summoned, ordered, required, or interested in said Court, are hereby required, ordered and summoned to attend said Court at the times changed by this Act, in the same manner, and under the same laws and regulations, as if said time for holding said Superior Courts had not been changed.

Time.

21. SEC. III. That the term of said Superior Courts of Talbot county shall be two weeks, commencing with the first Mondays in March and September, as changed by this Act.

Jurors—
how drawn

22. SEC. IV. That within twenty days after the passage of this Act, it shall be the duty of the Clerk of the Superior Court, Sheriff and Ordinary of Talbot county, or a majority of them, to meet and draw from the jury box of the county of Talbot, a panel of grand jurors and traverse, to consist respectively of the number heretofore drawn by the Judge of the Superior Court in said county, to serve for the second week of said Superior Court so changed; and when said names are drawn, a list of the same shall be furnished to the Clerk of the Superior Court of Talbot county, and the said Clerk and Sheriff of Talbot county are hereby required to do and perform all things necessary to serve and summon said panel of grand jurors and traverse jurors to attend the second week of said Superior Court, and shall receive the customary and lawful fees therefor, and said persons so summoned shall appear and serve as jurors at the second week of said Superior Court so changed, under the same laws and regulations as now are of force in this State.

Judge
to draw
juries for
2d week.

23. SEC. V. That at each regular term of the Superior Courts of Talbot county held under this Act, it shall be the duty of the Judge of the Superior Courts, presiding, to draw an additional and separate grand and traverse juries to serve at the second week of the next term of said Superior Court, and they shall be summoned and serve accordingly, and on failure to do so, said grand and traverse juries shall be drawn by the persons, and at the times prescribed by law for

Time of holding the Courts of Worth and Jasper counties changed.

drawing other juries, in case of the failure of the Judge of the Superior Courts to draw the same.

SEC. VI. Repeals conflicting laws.

Approved December 9th, 1871.

No. XXXVII.—(O No. 112.)

An Act to change the time of holding the Superior Courts in the county of Worth.

24. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the first day of January, 1872, the times of holding the Superior Courts of the county of Worth, shall be changed from the fourth Monday in May, and the fourth Monday in November, to the third Monday in April, and the third Monday in October. Worth Court changed.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. XXXVIII.—(O No. 176.)

An Act to change the time of holding the Superior Courts of the county of Jasper, in the Ocmulgee Circuit, and for other purposes.

25. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the times (of holding) the Superior Courts of the county of Jasper, be changed to, and held on the second Mondays in February and August of each and every year. Jasper Court changed.

26. SEC. II. That all writs, processes, and other proceedings issued and returnable to the Superior Court in said county, at the times now fixed by law, be held to be returnable to the first terms to be held in pursuance of this Act; and that all suitors, jurors, witnesses, and other persons who may be bound to attend said Court, be required to attend (them) at the time now fixed by this Act without other or further notice. Processes—returnable.

27. SEC. III. That nothing contained in this Act, shall be so construed as to interfere with, or prevent the holding of an adjourned term of the Superior Court of said county, on the 13th day of December next. Adjourned term may be held.

SEC. IV. Repeals conflicting laws.

Approved December 13th, 1871.

Time of holding the Courts of the Brunswick Circuit changed, etc.

No. XXXIX.—(O No. 55.)

An Act to change the time of holding the Superior Courts of the Brunswick Judicial Circuit, and the county of Towns, in the Blue Ridge Judicial Circuit, and to attach the county of McIntosh to the Eastern Judicial Circuit.

28. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, except so far as it relates to the present November term of Glynn Superior Court, which shall be held as now provided by law for said term, and no longer, the time of holding the Superior Courts of the Brunswick Judicial Circuit shall be as follows, to wit: The Superior Court of the county of Pierce shall be held on the first Mondays of March and September, of each year; the Superior Courts of the county of Appling shall be held on the second Mondays in March and September in each year; the Superior Courts of the county of Coffee shall be held on the third Mondays in March and September of each year; that the Superior Courts of the county of Ware shall be held on the fourth Mondays in March and September of each year; the Superior Courts of the county of Clinch shall be held on the first Mondays in April and October of each year; that the time of holding the Superior Courts of the county of Echols shall be on the second Mondays in April and October of each year; that the Superior Courts for the county of Wayne shall be held on the third Mondays in April and October of each year; that the Superior Courts of the county of Camden shall be held on the Wednesdays after Wayne Superior Courts; that the Superior Courts for the county of Charlton shall be held on the Mondays after Camden Superior Courts; that the Superior Courts for the county of Glynn shall be held on the third Tuesdays of May and November of each year.
29. SEC. II. That the Superior Courts for the county of Glynn may be held so long, as in the discretion of the presiding Judge, shall be necessary to fully dispose of the business of said Court.
30. SEC. III. That from and after the passage of this Act, the Superior Courts of Towns county shall be held on the Monday after the fourth Monday in May and October of each year.
31. SEC. IV. That the county of McIntosh be, and it is hereby attached to the Eastern Judicial Circuit, and that the Superior Courts of said county shall be held as heretofore prescribed by law.
- SEC. V. Repeals conflicting laws.
- Approved December 11th, 1871.

Courts of
Brunswick
Ct. chang'd

Pierce.

Appling
Coffee.

Ware.

Clinch.

Echols.

Wayne.

Camden.

Charlton.

Glynn.

Glynn
Court to be
continued
at the dis-
cretion of
the Judge.

Towns
Court.

McIntosh
added to
Eastern Ct.

Time of holding the Courts of the Eastern and Macon Circuits changed.

No. XL.—(O No. 162.)

An Act to provide for the time of holding the Superior Courts of the Eastern Judicial Circuit.

32. SEC. I. *The General Assembly of the State of Georgia do enact,* That the Superior Courts for the several counties of the Eastern Ju-^{Courts—}dicial Circuit shall hereafter be held as follows: In the county of ^{when held.} Bulloch, on the Thursday before the first Monday in April, and on the Thursday before the first Monday in November; in the county of Screven, on the first Mondays in April and November; in the county of Effingham on the second Mondays in April and November; ^{Effingham m.} in the county of Bryan, on the third Mondays in April and Novem-^{Bryan.}ber; in the county of Liberty, on the fourth Mondays in April and ^{Liberty.}November; in the county of Chatham, on the second Mondays in ^{Chatham.}January and May.

33. SEC. II. *Be it further enacted,* That all writs, processes, and ^{Processes—}other matter, made returnable to the terms of each of said Courts as ^{returnable.}now provided for by law, shall be as good and effectual as if no change had been made as herein provided for.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. XLI.—(O No. 99.)

An Act to change the time of holding the Superior Courts of the Macon Circuit, and for other purposes.

34. SEC. I. *The General Assembly do enact,* That from and after ^{Courts of}the passage of this Act, the several Superior Courts of the Macon ^{Macon Ct.}Circuit shall be held as follows: Crawford Court shall be held on ^{changed.}the fourth Mondays in September and March in each year; Dooly ^{Crawford.}Court, on the first Mondays in October and April; Twiggs Court, ^{Dooly.}on the second Mondays in October and April; Bibb Court, on the ^{Twiggs.}fourth Mondays in October and April; and Houston Court, on the ^{Bibb.}second Monday in December, and fourth Monday in May. ^{Houston.}

35. SEC. II. That all suits, writs and processes returned to said ^{Processes—}Courts, shall stand returned upon the several dates hereinbefore spec-^{returnable.}ified.

SEC. III. Repeals conflicting laws.

Approved December 12th, 1871.

Time of holding the Courts of the Middle Circuit changed.

No. XLII.—(O No, 106.)

An Act to alter and change the time of holding the Superior Courts in the counties of the Middle Circuit, of this State.

Time of
holding
Superior
Courts in
Glasscock,
Washin'tn,
Montgom'y
Tatnall,
Emanuel &
Jefferson
counties.

36. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the Superior Courts in the counties of the Middle Circuit, of this State, shall be held as follows: In the county of Glasscock, on the third Mondays in February and August; in the county of Washington, on the second Mondays in March and September; in the county of Johnson, on the fourth Mondays in March and September; in the county of Montgomery, on the Thursday after the first Mondays in April and October; in the county of Tatnall, on the second Mondays in April and October; in the county of Emanuel, on the third Mondays in April and October; and, in the county of Jefferson, on the second Mondays in May and November.

Suits re-
turnable at
dates speci-
fied.

37. SEC. II. That all suits in law and equity returned to the terms of said Courts, next succeeding the date of the passage of this Act, shall be taken and held to be returned to said Courts, according to the dates hereinbefore specified.

SEC. III. Repeals conflicting laws.

Approved December 12th, 1871.

II.—PROCEEDINGS IN.—WRIT OF QUO WARRANTO.

SECTION.

1. Powers of Judges.
2. Homesteads, liability of. Sheriff may levy.
3. Proceedings, suspension of.
4. Issue, when tried.
5. Officers, duty of, on finding of Court.
6. Attachment to issue.
7. Oath of party attaching; bond to be given.
8. Attachment, how issued and levied.
9. Code to regulate proceedings.
10. Debts, how secured.
11. Vendor's right not affected by lien against vendee.
12. Justices of Peace to keep dockets.
13. Penalty on failure.
14. Criminal cases, compensation for taking down testimony in.
15. Party to suits, deposition, how taken, notice to be given.
16. Citation, form of.
17. Motions and objections, how disposed of.
18. Returns, how made.

SECTION.

19. Jury boxes revised by order of Judge.
20. Previous revision legalized.
21. Judge may draw, each week of Court.
22. Jurors, compensation of, by whom fixed.
23. Married women, estate of, dying intestate.
24. Certain property may be sold where located.
25. Motion for continuance may be resisted.
26. Trial, place of, changed in certain cases, county in which case is removed, to pay cost.
27. Claimants, how dissolve garnishment.
28. Proceedings upon answer of garnishee.
29. Further proceedings upon claim bond.
30. Garnishee to make payment to claimant.
31. Officers, compensation of, fixed by grand jury.

Writs of Quo Warranto.

II.—PROCEEDINGS IN.—CONTINUED.

SECTION.

- 32. In lieu of other compensation.
- 33. Claims made for delay.
- 34. Bill of exemptions, time of signing and serving.
- 35. Homestead, application for, how published.
- 36. Previous notices legalized.
- 37. Prosecutor liable for costs in certain cases.
- 38. Ordinaries qualified by Judges

SECTION.

- Superior Court.
- 39. Ordinaries to give other security if required.
- 40. Joint debtor may control *fi. fa.*
- 41. Auditors, by whom appointed.
- 42. Auditor, report of.
- 43. Section 1436 to be given in charge.
- 44. Blank interrogatories.
- 45. Sections 4489, 4490, 4491, to be given in charge.

No. XLIII.

NOTE BY THE COMPILER.

The following important Act is inserted for general information, without deciding the question of the legality of its passage. It is claimed to have become a law by its passage five days previous to adjournment, and because it was not returned by the Governor in the time prescribed by the Constitution. No official copy of the Act has been received in the Secretary of State's office.

An Act to amend the law relative to writs of Quo Warranto in the State of Georgia.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That in all applications for writs *quo warranto*, or informations in the nature of a writ of *quo warranto*, or of proceedings by such writs (which are hereby extended to all civil officers of the State of Georgia, and are hereby granted to test the right of any civil officer to his office) to determine the right to hold office, where the case presented by the applicant or petitioner involves only questions of law, the same may, as other equitable proceedings, be determined by the Judge of the Superior Court, before whom such case is begun, in vacation, and such Judge shall, whether such writ, information or proceeding, is prayed for, sued out, or begun in vacation or term time, so order all the proceedings connected with, and usual in such cases, that the final determination shall be had by him in ten days from the commencement of such suit, application or proceeding, and if either party to such application or proceeding desires to except to the decision of the said Judge of the Superior Court, he shall, if the Supreme Court of the State be in session, within ten days after such decision, carry the same to said Supreme Court by bill of exceptions, which shall be tendered and signed as is prescribed in section 3 of the Act of October 29th, 1870, said Act being entitled "An Act to prescribe the practice in cases of injunction," etc., said bill of exceptions to be served upon the opposite party in such suit as is prescribed in said third section, and all the rules and regulations in said third section as to service and duty of the Clerk of the Superior Court, shall apply to this class of cases. So much of sections 4 and 5 of the said Act of October 29th, 1870, as can be applied to the

Writs quo
warranto
may be
determined
in vacation

 Amendatory of the V. Article of the Constitution.

above bill of exceptions is hereby made a part of this Act, and said Supreme Court shall, as in injunction cases provided for in said Act of October 29th, 1870, proceed to hear and determine such bill of exceptions, and when the decision is rendered by said Supreme Court it shall be executed as is prescribed in section 5 of said Act of October 29th, 1870.

SEC. II. That all the provisions of this Act are hereby extended to proceedings *quo warranto*, or of writs of that nature, involving issues of fact to be tried by a jury, when the same can be applied; but nothing in this Act shall be construed to affect any rights or remedies in this class of cases not touched by this Act. Whenever the right to any office is decided, the judgment fixing such right shall further provide for the delivery to the person, decided to be entitled to such office, of all the books and papers, of every sort, belonging to the office; which judgment shall be enforced as other decrees in equity are enforced.

SEC. III. Repeals conflicting laws.

SUPREME COURT DECISIONS.

It was held in the case of *Stone vs. Wetmore*, July Term, 1871, that writs of *quo warranto* do not come within the purview of the Act of October 29th, 1870.

No. XLIV.—(O No. 215.)

An Act to amend Sections 9 and 10 of an Act entitled an Act to carry into effect the second clause of the 13th Section of the 5th Article of the Constitution, approved February 15th, 1869, so as to provide for the furnishing of panels of jurors in the trial of criminal cases, in certain cases.

Judges
may make
up panels
of jurors in
criminal
cases if reg-
ular panels
cannot be
had.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That sections 9 and 10 of said recited Act, be so amended as to authorize and allow the Judge presiding in the trial of any criminal case in this State, when at any time, the regular panels of petit jurors, or either of them can not be furnished, either to make up panels of forty-eight for the trial of felonies, or panels of twenty-four from which to take juries in misdemeanors, because of the absence of any of such panels, in which said panels or any part of them are engaged in the consideration of any case, to cause said panels, not full, for the reasons aforesaid, to be filled by summoning such numbers of persons who are competent jurors, as may be necessary to make full the said panels; and, such panels of twenty-four shall be used as the regular panels of twenty-four are under said sections of said recited Act.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

Adjudicating the rights of parties under Article V. Constitution.

No. XLV.—(O No. 192.)

An Act to provide the mode of adjudicating the rights of parties under Article seventh of the Constitution of this State, so far as the same relates to exceptions to the exemption of property therein provided.

2. SEC. I. *The General Assembly of Georgia do enact*, That in all cases where any defendant in execution has applied for, and had set apart, a homestead of realty and personalty, or either, or where the same has been applied for and set apart out of his property, as provided for by the Constitution and laws of this State, and when the plaintiff in such execution is seeking to proceed with the same, and there is no property except the homestead upon which to levy, upon the ground that his debt falls within some one of the classes for which the homestead is bound under the Constitution, that it shall and may be lawful for such plaintiff, his agent or attorney, to make affidavit before any officer authorized to administer oaths, that, to the best of his knowledge and belief, the debt upon which such execution is founded is one from which the homestead is not exempt, and it shall be the duty of the officer in whose hands the execution and affidavit are placed to proceed at once to levy and sell, as though the property had never been set apart; *provided*, nevertheless, that the defendant in such execution, may, if he desires to do so, deny the truth of the plaintiff's affidavit, by filing with the levying officer a counter-affidavit.

Plaintiff in execution may make oath that the debt is one for which homestead is liable.

Sheriff to levy on homestead.

Proviso.

3. SEC. II. That in cases where such counter-affidavit is filed, it shall be the duty of the levying officer to suspend further proceedings under such execution, and return the same together with the two affidavits to the Court from which the execution issued.

Counter affidavit being filed, officer may suspend proceeding

4. SEC. III. That at the first term of the Court to which such execution and affidavits are returned, an issue shall be formed upon the same and tried as in cases of illegality.

Issue to be tried first term of Court.

5. SEC. IV. That when the finding upon such issue is in favor of the plaintiff in execution, it shall be the duty of the levying officer to proceed forthwith, with the collection of such debt by sale of the homestead property, if necessary; and when the finding upon such issue is in favor of the defendant in execution, it shall operate to release the homestead property, without prejudicing any other right of the plaintiff.

Duty of officer on finding of Court.

SEC. V. Repeals conflicting laws.

Approved December 14th, 1871.

To amend the Attachment Laws—To Secure Loans, etc.

No. XLVI.—(O No. 93.)

An Act to amend the Attachment Laws of the State of Georgia, and to authorize the issuing of attachments where purchasers are in possession of property for which they have not paid.

6. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly convened,* That process of attachment may issue in behalf of any creditor whose debt is created by the purchase of property, upon such debt becoming due, when the debtor who created such debt is in the possession of the property, for the purchase of which the debt was created.

7. SEC. II. That before process of attachment shall issue under this Act, the party seeking the attachment, his agent or attorney at law, shall make affidavit before some person authorized by law to issue attachments, that the debtor has placed himself in the position mentioned in the first section of this Act; and, also, the amount of the debt claimed to be due; and shall also describe in the affidavit the property for which the debt was created. When the affidavit is made by the agent or attorney at law, he may swear that the amount claimed to be due, is due according to the best of his knowledge and belief. The officer issuing the attachment, before issuing the same, shall take from the party seeking the benefits of this Act, a bond in double the amount claimed to be due, conditioned, and made payable as attachment bonds are now, by the Statute Law of Georgia, required to be conditioned and made payable.

8. SEC. III. That affidavit being thus made and bond given, it shall be the duty of the officer before whom such affidavit is made, to issue an attachment against the defendant, which shall be levied *only* on the property described in said affidavit, by the officer to whom the attachment is directed.

9. SEC. IV. That so much of the Statute Law of Georgia as regulates the proceedings in relation to remedy by attachment, as is not in conflict with the provisions of this Act, shall apply to and control proceedings under this Act.

Approved December 12th, 1871.

No. XLVII.—(O No. 105.)

An Act to provide for sales of property in this State, to secure loans and other debts.

10. SEC. I. *The General Assembly do enact,* That from after the passage of this Act, whenever any person in this State conveys any real property by deed to secure any debt, to any person loaning or advancing said vendor any money, or to secure any other debt, and shall take a bond for titles back to said vendor upon the payment of

Justices of the Peace to keep Dockets.

such debt or debts, or shall in like manner convey any personal property by bill of sale, and take an obligation binding the person to whom said property was conveyed, to reconvey said property upon the payment of said debt or debts, such conveyances of real or personal property shall pass the title of said property with the vendee, (provided that the consent of the wife has been first obtained,) till the debt or debts which said conveyance was made to secure shall be fully paid, and shall be held by the Courts of this State to be an absolute conveyance with the right reserved by the vendor to have said property reconveyed to him, upon the payment of the debt or debts intended to be secured agreeable to the terms of the contract, and not a mortgage; and, if the vendor in any such contract shall fail to comply, substantially, with the terms of the contract he shall not have a right thereafter to redeem said property by payment of said debt or debts.

Proviso.
Vendor to have no right of redempti'n on failure to comply with terms of contract.

11. SEC. II. That the vendor's right to a reconveyance of the property, upon his complying with the contract, shall not be affected by any liens, incumbrances or rights which would otherwise attach to the property by virtue of the title being in the vendee; but that the right of the vendor to a reconveyance shall be absolute and permanent, upon his complying with his contract with the vendee according to the terms.

Vendor's right not to be affected by liens against vendee.

Approved December 12th, 1871.

SUPREME COURT DECISION.

In Stokes' case, July Term, 1871, it was decided that any paper conveyance, however absolute, appearing to be only a security for money is a mortgage. See also the case of Galt vs. Jackson, 9 Georgia Reports, 151.

No. XLVIII.—(O No. 97.)

An Act to require Justices of the Peace and Notaries Public who are ex officio Justices of the Peace, to keep dockets and to exhibit them to the Grand Juries of their respective counties.

12. SEC. I. Be it enacted by the General Assembly, That from and after the passage of this Act, all Justices of the Peace and Notaries Public who are *ex officio* Justices of the Peace in this State, shall be required to keep separate dockets of all causes, civil and criminal, disposed of by them, which dockets shall show the actual disposition of each case, and the amount of costs collected in each case and from whom.

Justices and ex-officio Justices of the Peace to keep dockets of all cases disposed of by them.

SEC. II. That it shall be the duty of said Justices of the Peace and Notaries Public who are *ex officio* Justices of the Peace, to lay said dockets before the grand juries of their respective counties on the first day of each session for their inspection.

To be laid before the grand jury.

13. SEC. III. That a failure to comply with the provisions of this

For taking down evidence—Testimony by written depositions.

Penalty for failure. law, or making a false entry, or return of any matter, shall be malpractice in office, for which the defaulting Justice of the Peace or Notary Public, who is *ex officio* a Justice of the Peace, shall be tried and punished as prescribed in section 4432 of Irwin's Revised Code, and precedence shall be given to the trial of such prosecutions over all other cases, civil and criminal, by all the Courts of this State having jurisdiction.

SEC. IV. Repeals conflicting laws.

Approved December 12th, 1871.

No. XLIX.—(O No. 98.)

An Act to alter and amend an Act entitled An Act to fix the compensation for taking down, in writing, the evidence on charges of felony, approved October 10th, 1868.

14. SEC. I. *Be it enacted*, That the said Act, which declares "that the compensation to be paid for taking down, in writing, the evidence offered in cases of felony before the Superior Courts, shall be the same allowed by law to Clerks of the Superior Courts for similar services, to-wit: fifteen cents for each hundred words," shall be altered and amended as follows: that the compensation to be paid for taking down, in writing, the evidence offered in cases of felony before the Superior Courts, shall be such reasonable compensation as the Judges of said Superior Courts may determine, in their discretion, to be due for services so rendered.

Compensation determined by Judge.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

No. L.—(O No. 83.)

An Act to provide for the taking of testimony by written depositions in certain cases, not now allowed by law.

15. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia*, That in all counties in this State where there is, or may be, a city of ten thousand inhabitants and upwards, either party litigant in any Court of record in any such county, may, without any order or commission, take the deposition of any witness or witnesses in said case whether resident in the county or not, upon giving the opposite party five days notice of the time and place with names of the witnesses; such deposition to be taken before any commissioner appointed by the Judge of the Superior Court of said county for the purpose of taking such depositions, and the appointment entered on the minutes.

Party in a city with 10,000 inhabitants may take deposition of any witness.

Notice to be given.

To amend Jury Law.

16. SEC. II. The caption and certificate of the return of such cases may be substantially as follows:

A. B.,
vs.
C. D. } In the Court of county, Georgia.

Depositions of and witness or witnesses for the plaintiff (or defendant) in the above case, taken upon notice, beginning on the day of 187... at in the presence of the plaintiff and defendant, either or both, in person or by attorney, as the case may be; the said witness or witnesses being first duly sworn, deposed as follows: (here stating each question, both direct and cross, with the answer as delivered by the witness immediately after it, and concluding as follows: "The foregoing depositions were taken before me, as stated in the caption, and the answers reduced to writing by me, or by the witness in my presence, and I certify that I am not interested in the cause, nor of kin, or counsel to either of the parties," and signed by the commissioner.

17. SEC. III. All motions or applications to postpone or adjourn the proceedings, and all objections to the witnesses or proceedings, shall be made to the commissioner, and, if in writing, filed with the return, and if not in writing, noted in and become part of the return, with the ruling of the commissioner thereon, and the answer of the witness, whether the objection be sustained or not. The order and scope of the examination shall be had in conformity to the rules of the Superior Court governing the examination of witnesses in trials at law.

18. SEC. IV. When the return shall have been made up and signed, as herein provided, the same shall be, together with evidence of the service of the notice, sealed up and directed to the Clerk of the Court where the case is pending, and may be delivered either by the commissioner to such Clerk in person or sent by the hand of any other person: and the Clerk is hereby authorized, whether the Court be in session or not, to administer the usual oath, and enter the same on the package, with leave to open as heretofore practiced in this State, and the package may be thereupon opened and published without further delay.

SEC. V. Repeals conflicting laws.

Approved December 12th, 1871.

No. LI.—(O No. 82.)

An Act to amend the laws of this State in reference to the revision of jury boxes of this State, and the drawing of juries, and to provide for their compensation.

19. SEC. I. Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same, That from and after the passage

To change the Law of Distributions.

Judge may
issue order
to revise
jury boxes.

of this Act, it shall and may be lawful for the Judge of the Superior Courts of any county in this State, when from any cause the jury box of such county may not be revised at the time now required by law, to issue an order either in term time or at chambers, directed to the commissioners requiring and authorizing them to meet and revise such jury box, and such revision when made, shall be as lawful as if done at the time heretofore required.

Legalizing
previous
revisions.

20. SEC. II. That all revisions of jury boxes heretofore made at a time different from that required by law, be, and the same are hereby legalized.

Judge may
draw panel
for each
week of
Court.

21. SEC. III. That from and after the passage of this Act, it shall be the duty of the presiding Judge of the Superior Court in any county in this State, when such Court is held for longer than one week, to draw separate panels of both grand and petit jurors for each week of such Superior Court, and such separate panels of jurors heretofore drawn, be, and the same are hereby legalized.

Pay of
jurors fixed
by Ordina-
ry upon re-
commenda-
tion grand
jury.

22. SEC. IV. That the compensation of jurors in counties in this State, where compensation is not provided for by special law, shall be fixed by the Ordinary of each county at such sum not exceeding two dollars per day, as shall be recommended by the first grand jury empaneled in such county in each year.

SEC. V. Repeals conflicting laws.

Approved December 11th, 1871.

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No. LII.—(O No. 41.)

An Act to change the law of Distributions so far as affects the separate property of married women.

Estates of
married
women
intestate
divided.

23. SEC. I. *Be it enacted by the General Assembly of Georgia,* That on the death of a married woman, intestate, leaving a separate estate, without remainder or limitation over, which can, and does take effect, who shall leave a surviving husband and child, or children, or descendants of a child, or children, such separate estates shall be equally divided, share and share alike, between said husband and said offspring, *per capita*, but the descendants of children shall take *per stirpe*.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1870.

Selling personal property—Continuance—Constitution of 1868.

No. LIII.—(O No. 39.)

An Act to make it legal for Sheriffs, Coroners and other levying officers to sell certain kinds of personal property without exposing the same before the Court House door at the time of sale.

24. SEC. I. *Be it enacted by the General Assembly of Georgia,* That in all cases where any Sheriff, Coroner or other levying officer, shall levy any execution or other legal process, upon any corn, lumber, timber of any kind, bricks, machinery, or other articles difficult and expensive to transport, it shall and may be lawful for said officer to sell said property without carrying and exposing the same at the court house door on the day of the sale: *Provided,* that said levying officer shall give a full description of said property and the place where the said property is located in the advertisement of the sale.

Property difficult to transport sold where located.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

No. LIV.—(O No. 36.)

An Act to authorize a counter-showing to a motion for a continuance in the Courts of this State.

25. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That in all civil cases in the Courts of this State, the presiding Judges may, in their discretion, admit a counter-showing to a motion for a continuance, and, after a hearing, may decide whether the motion shall prevail.

Motion to continue resisted.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

No. LV.—(O No. 179.)

An Act to enforce 5th Article, 12th Section, 2d Paragraph of the Constitution of 1868.

26. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That the presiding Judge shall be satisfied only by an examination, careful and thorough, of the persons liable to serve on juries, such examination to be according to section 4589 of the Code, partially or wholly according to the nature of the case; then if a jury cannot be obtained, the place of trial shall be changed according to section 4593 of the Code. The whole costs of the case, when changed, shall be borne by the county from which the case is removed. The jail fees, if any, of the person to be tried, shall be collected

If jury cannot be had, place of trial shall be changed

Right of dissolving garnishments.

County
from which
the case is
removed to
pay costs.

and paid by the county treasurer of the county from which the case was removed; the same laws for collecting these fees and regulating the amount of fees shall exist as hitherto. The entire Court costs, including the costs of sheriff, bailiff, clerks and jurors, shall also be paid by the county treasurer of the county from which the case was removed, and shall have the same priority as jail fees, and shall be paid to the county treasurer of the county where the case is tried, after having been first paid by the county treasurer of the county where the case is tried.

Approved December 13th, 1871.

No. LVI.—(O No. 199.)

An Act extend the right of dissolving Garnishments, to persons other than defendants.

Claimant
of property
levied on or
garnisheed
may
dissolve.

27. SEC. I. *Be it enacted by the General Assembly,* That whenever any process of garnishment is served upon any person, based upon suit, attachment or judgment, and there shall be money or property of any kind or description in the hands of the garnishee, or that shall come into his hands so as to fall within the operation of the summons of garnishment so served as aforesaid, which is claimed to be the property or money of any person not a party to the proceedings upon which said garnishment is based, said claimant may dissolve said garnishment by filing in the Clerk's office of the Superior Court of any county, or of any City Court, or in the office of any Justice of the Peace or Notary Public, according as said garnishment may be returnable to the Superior, City, Justice or Notary Public's Court, a bond with good security in twice the amount of the sum claimed upon said suit, attachment, or judgment, to be approved by said Clerk, or said Justice of the Peace or Notary Public, conditioned to pay to the plaintiff the sum that may be found due to said defendant upon the trial of any issue that may be found upon the answer of the garnishee, or that may be admitted to be due in said answer if untraversed.

Procdings
on answer
garnishee.

28. SEC. II. That the garnishee upon answering shall be discharged from all further liability, and the plaintiff's remedy shall be upon the bond so executed as aforesaid; that the plaintiff or claimant, or both of them may traverse said answer, and the issue upon said traverse shall be submitted to a jury as other issues upon the answers of garnishees; that if said garnishee fails to answer within the time required by the laws of this State, judgment shall be had against him, and he shall be liable thereon, notwithstanding any bond that may have been executed by any claimant of the fund or property in his hands.

29. SEC. III. That the claimant of any fund or property to whom

To compensate certain officers.

the same may have been paid or delivered upon the dissolution of the garnishment in the manner above prescribed, shall be a party to all further proceedings upon said garnishment, that judgment shall be had instanter upon said bond for any sums or the value of any property that may be found to have been in the hands of said garnishee, liable to the operation of said summons of garnishment.

Further
proceeding
upon claim
based.

30. SEC. IV. That the garnishee shall pay over or deliver any money or property to the claimant upon the dissolution of the garnishment, in the manner aforesaid, unless prevented by other legal process.

Garnishee
to make
payment to
claimant.

SEC. V. Repeals conflicting laws.

Approved December 14th, 1871.

No. LVII.—(O No. 181.)

An Act to compensate Ordinaries, Sheriffs, and Clerks of the Superior Courts.

31. SEC. I. *Be it enacted by the General Assembly of Georgia,* That in all cases in which compensation should be made to Ordinaries for services in relation to county business, and to Sheriffs and Clerks of the Superior Courts for services in relation to which existing laws provide no adequate compensation, or no compensation at all, and in all cases in which compensation is provided to be given by order of Judges of this State, that said officers shall be compensated as follows: Such officers shall state their claims in writing and submit the same with proof thereof to the grand juries of the Superior Court at the Spring Term, and said grand juries may, after hearing the application and proof, if satisfied of the justice of the same, allow such sums to said officers as in their discretion should be allowed, and when so allowed, the Ordinaries of said State or other authority levying county taxes, shall assess so much with other county taxes as will pay the same, which when collected and paid over to the county treasurer of each county, shall be paid by him without further order, to the parties thereto entitled.

Grand jury
determines
compensation
of officers
where
not provided
by law.

32. SEC. II. That the provision above recited shall be in lieu of all other provisions for said officers except their regular fees prescribed by law.

In lieu of
other compensation.

Approved December 13th, 1871.

Plaintiffs to recover damages—Injunctions, etc.

No. LVIII.—(O No. 204.)

An Act to allow plaintiffs in execution a right to recover damages in certain cases.

If claims
are made
for delay.
plaintiff
to recover
damages.

33. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That whenever in cases of claims or illegality may be dismissed for insufficiency or informality, or whenever said claim or illegality is withdrawn, plaintiffs in execution shall have full power to have a case made up and submitted to the jury, charging that said claim or illegality was filed for the purpose of delay, and upon proof of the same—defendant and claimant having the same power to resist the case as in claim cases where damages are claimed—the jury, under instructions from the Court, may give damages as in cases where the claim is not withdrawn, but submitted for trial to the jury; said cases so submitted shall be tried at the time of the disposal of the claim or illegality if the parties are ready, but continuances shall be granted as in other cases.

Approved December 15th, 1871.

No. LIX.—(O No. 214.)

An Act to amend an Act to prescribe the practice in cases of Injunctions and other extraordinary remedies in equity, and the manner of taking judgments upon to the Supreme Court.

Bill of ex-
ceptions to
be signed
and tender-
ed within
20 days and
served in
15 days.

Transcript
transmitt'd
to Supreme
Court if in
session.

34. SEC. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the third section of an Act entitled an Act to prescribe the practice in cases of injunctions and other extraordinary remedies in equity, and the manner of taking judgments on the same to the Supreme Court, approved October 28th, 1870, be so amended as to read “that the bill of exceptions shall, in such cases, be tendered and signed within twenty days from the rendition of the decision, and the opposite party be served within fifteen days from such signing with such bill of exceptions; and the Clerk shall, within fifteen days from such service, make out a transcript of the record and transmit the same immediately to the Supreme Court then in session, and if not in session, then to the very next session, and its arrival by the first day of the term or at any time thereafter during the term, shall be sufficient to insure a hearing. If said record being returned to a Court then in session should fail after legal diligence to arrive in time for a hearing before the adjournment, then it stands over till the next term.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

Homestead—Saving counties from cost—Bonds of public officers.

No. LX.—(O No. 193.)

An Act to amend the 3d Section of an Act providing for the setting apart of a Homestead of realty and personally, approved October 3d, 1868.

35. SEC. I. *Be it enacted, etc.,* That the 3d section of said Act shall be so amended as to require the Ordinary to publish the notice of application for homestead in the gazette where the orders of said Ordinary are usually published, and not in the gazette where the sheriff sales are published. Applicat'n for homestead—how published.

36. SEC. II. That all notices heretofore published as aforesaid are rendered legal and valid, and all laws in conflict with the foregoing are hereby repealed. Previous notices made legal.

Approved December 14th, 1871.

No. LXI.—(O No. 194.)

An Act to secure the several counties of the State of Georgia from costs.

37. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That whenever any person is prosecuted under any penal laws of this State, and said prosecution is abandoned before trial of the same, or, a jury on trial of such prosecution finds the same to be malicious, said prosecutor shall be liable for all costs and jail fees, and the officer by whom the warrant is issued, shall, when the prosecution is abandoned or settled as above stated, as soon as such prosecution is abandoned or settled, at once enter up a judgment against said prosecutor for all said costs, and enforce the same by an execution in the name of the State against such prosecutor, or by an attachment for contempt. Prosecutor liable for costs in certain cases.

Approved December 14th, 1871.

No. LXII.—(O No. 175.)

An Act to provide for taking bonds of public officers and qualifying them.

38. SEC. I. *Be it enacted by the General Assembly of Georgia,* That the several Judges of the Superior Courts in their respective circuits, shall have the same power and be under the same duty as to qualifying Ordinaries in their Courts and taking their bonds, as the Justices of the Inferior Courts had before the Constitution of 1868. Said bonds must be returned to the Governor of the State to be filed, Judges of Superior Courts to qualify Ordinaries.

Joint debtors—Appointment of auditor.

and in all cases a certified copy of the same shall be sufficient original evidence on which to sue and recover. The provisions of this Act shall extend to the Clerks of the Superior Courts when the Ordinary and Clerk are the same person. Said officers provided for in this section must qualify at or before the Spring Term of the Court after the election of such officers.

39. SEC. II. That if at any time during the term of such Ordinary, it be made satisfactorily appear to the Judge of the Superior Court, that the bond of such Ordinary is insufficient, or the security thereof insolvent, it shall be his duty to require other security, and on failure of the Ordinary to comply with the order of the Judge, a vacancy shall be declared as if he had failed to give security in the first instance.

Judge may
require of
Ordinary
other
security.

Approved December 13th, 1871.

No. LXIII.—(O No. 171.)

An Act to relieve Joint Debtors by judgment.

40. SEC. I. *Be it enacted by the General Assembly of the State of Georgia,* That when judgments have been obtained against several persons, and one or more of them has paid more than his just proportion of the same, he or they may, by having such payment entered on the *fi. fa.* issued to enforce said judgment, have full power to control and use said *fi. fa.*, as securities in *fi. fa.*, control the same against principal or co-securities, and shall not be compelled, as heretofore, to sue his co-debtors for the excess of payment on such judgment.

Joint debt-
or paying
more than
his propor-
tion to con-
trol *fi. fa.*

Approved December 13th, 1871.

No. LXIV.—(O No. 168.)

An Act to authorize the appointment of an Auditor in cases at law or in equity involving account.

41. SEC. I. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That from and after the passage of this Act, in all cases now pending, or hereafter to be brought at law or in equity involving matters of account, it shall and may be lawful for the Judge of the Superior Court, either in term time or in vacation, upon the application of either party, or in default thereof, on his own motion, if in his discretion the case shall require it, to appoint an auditor to investigate such matters of account and report the result thereof to the Court.

Judge may
appoint
auditor to
settle ac'ts.

42. SEC. II. That the action and report of said auditor shall be

Judges to charge juries—Blanks, etc.

subject to and governed by the same rules, terms and provisions as those contained in sections 3082 and 3083 of the Revised Code of Georgia authorizing the appointment of auditors in equity cases, and prescribing rules for the reports of such auditors. Rules as to action and report of auditor.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. LXV.—(O No. 163.)

An Act to require the several Judges of the Superior Courts of this State to give specially in charge to the Grand Juries thereof, Section 1436 of the Code, at each term thereof.

43. SEC. I. *Be it enacted by the General Assembly, That from and after the passage of this Act it shall be the duty of the Judges of the Superior Courts of this State, to give, at each term of their respective Courts specially in charge, to the grand juries of their several Courts, the law embraced in section 1436 of Irwin's Revised Code.* Judges to give in charge law relative to selling liquor to drunken persons.

Approved December 13th, 1871.

No. LXVI.—(O No. 165.)

An Act to require Clerks of the Superior Courts to provide blanks with printed instructions for taking interrogatories.

44. SEC. I. *Be it enacted, That from and after the passage of this Act, it shall be the duty of the Clerks of the Superior Courts of the several counties in this State to keep always on hand and ready for use blanks with printed instructions for (taking) interrogatories.* Clerks to provide blank interrogatories.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. LXVII.—(O No. 154.)

An Act to require the several Judges of this State to give specially in charge to the Grand Juries, Sections 4489, 4490, and 4491 of the Code.

45. SEC. I. *Be it enacted, That the several Judges of this State shall, and it is hereby made their duty, to give specially in charge at each term of the Court to the grand juries, sections 4489, 4490 and 4491 of the Code.* Judges to charge law relative to religious worship.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

COURTS OF SPECIAL JURISDICTION.

1. CITY COURTS.—ATLANTA CITY COURT.

SECTION.

46. Established, jurisdiction of.
47. Jurisdictional limits.
48. Judges, election and term of office.
49. First election.
50. In case of failure to elect.
51. Judge, qualification of.
52. Judge to take oath.
53. Solicitor to act for City Court.
54. Officers of Court.
55. Writs of *habeas corpus*, Judge may issue.
56. Claim cases, jurisdiction in.
57. Sessions, time of.
58. Rule of proceeding.
59. Lien of judgment.
60. Judge, absence of, provided for.
61. May compel production of papers.
62. Parties entitled to jury trial.
63. Judge disqualified, parties may select.
64. Sales of property under execution.
65. Judgment, time when entered.
66. Execution, stay of.
67. Claim, how returned and tried.
68. Acts applicable to Superior Court to apply to City Court.
69. Attachments, by whom issued.
70. Attachments, how directed and served.
71. Attachments, levied in any part of Fulton county.
72. Garnishments, proceedings as to.
73. *Scire facias*.
74. Witnesses and subpoenas.
75. Testimony, *de bene esse*.
76. Judge to attest deeds, etc.
77. Duties of officers.
78. Criminals, how tried.
79. Proceedings when sheriff or clerk are parties.
80. Attachment against clerk or sheriff.
81. Clerk to keep record.
82. Juries in City Courts.
83. Jurors, how selected.
84. Clerk and Commissioner to draw jurors.
85. Laws applicable to jurors.
86. Rules of pleading.
87. Justices to bind over to City Court.
88. Jurors, services of.

SECTION.

89. Sheriff's costs for keeping live stock.
90. Writ of error to lie to Supreme Court.
91. Special officers to be appointed.
92. Atlanta police constables of Court.
93. Fines, how appropriated.
94. Fines, remainder of, to be paid into City Treasury.

ATLANTA—RECORDER'S COURT.

95. Recorder to be elected. Presides at Mayor's Court.
96. May be removed for cause.
97. Auditor elected by Mayor and Council.
98. Auditor may be removed.

AUGUSTA CITY COURT.

99. Jurisdiction of.

MACON CITY COURT.

100. Abolished.
101. Records of, to be transferred to Superior Court.

SAVANNAH CITY COURT.

102. Jurisdiction of.
103. Suit, how conducted.

SAVANNAH POLICE COURT.

104. Recorder to be elected. To hold Police Court.

2. DISTRICT COURT.

105. Abolished.
106. Cases in, transmitted to Superior Court.
107. District Court Richmond county, Treasurer to pay cost.

3. ORDINARY'S.

108. Warrant to be drawn on proper fund.

To establish a Court in Atlanta.

No. LXVIII.—(O No. 218.)

An Act to establish a City Court in the City of Atlanta.

46. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it hereby enacted by authority of the same,* That there is hereby established in the city of Atlanta a Court to be known as the City Court of Atlanta, and jurisdiction is hereby vested in said Court of all civil causes (except equity causes) causes of divorce, and causes involving title to real estate. Where the damages or cause of action shall not exceed the sum of three thousand dollars, exclusive of interest, and shall be above the jurisdiction of a Justice Court, and cases of tort, where the damages claimed shall exceed three thousand dollars, and said Court shall have criminal jurisdiction of all minor offenses committed within the jurisdictional limits of the city of Atlanta, and which do not subject the offenders to confinement in the penitentiary or to death. City Court of Atlanta establish'd Jurisdiction

47. SEC. II. That the ordinary civil and criminal jurisdictional limits of said Court shall embrace the corporate limits of the city of Atlanta, as now established and hereafter to be established by law. Limits.

48. SEC. III. That the Mayor and Council of the City of Atlanta shall have the election, by ballot, of the Judge of said Court, who shall hold his office for four years, and until his successor is elected and qualified, unless sooner removed by the Governor on the address of two-thirds of both branches of the General Assembly for that purpose. He shall be commissioned by the Governor on proof of his election under the hand of the Clerk of Council and seal of the city of Atlanta. Election of Judge and term of office.

49. SEC. IV. That the first regular election of Judge of said Court shall be at the first regular meeting of the City Council of Atlanta, in January, in the year eighteen hundred and seventy-two, and elections for Judge of said Court shall be every four years thereafter, and the City Council of Atlanta shall have power to fill all vacancies in such office occurring from death, resignation or otherwise. First election of Judge by Council.

50. SEC. V. That should the said Mayor and Council fail to elect a Judge at the time appointed for a regular election, it shall be lawful for them to elect at any subsequent regular meeting. In case of failure to elect.

51. SEC. VI. That the Judge of said City Court shall be an attorney at law, of not less than twenty-five years of age, and shall have an annual salary of two thousand and five hundred dollars, that shall not be increased or diminished during his continuance in office, which salary shall be paid in monthly installments out of the City Treasury of the city of Atlanta. Qualifica'n of Judge.

52. SEC. VII. That he shall, before entering on the duties of his office, take and subscribe an oath faithfully and impartially to discharge such duties to the best of his abilities and understanding, Judge to take oath.

To establish a Court in Atlanta.

and agreeably to the Constitution of this State and the Constitution of the United States, and to support said constitutions, and said oath shall immediately be forwarded to the Governor, and filed in the Executive Department.

53. SEC. VIII. That the Solicitor General of the Atlanta Circuit shall prosecute for all offenses cognizable before said Court, who shall receive the same fees for each written accusation as are allowed for each indictment in the Superior Court, and whose fees for all other services rendered shall be the same as are allowed him in the Superior Court. The Judge of said Court shall have power to appoint a Solicitor General, *pro tempore*, who shall receive the same fees as are allowed by law to the Solicitor General, in all cases conducted by him.

54. SEC. IX. That the clerk and sheriff, and their deputies of the Superior Court of Fulton county, shall be *ex officio* clerk, sheriff, and deputies of the City Court of Atlanta, and shall receive the same fees as are allowed by law to such officers in the Superior Courts of this State.

55. SEC. X. That the Judge of said Court shall have power to issue writs of *habeas corpus* and to hear and dispose of the same, in all cases arising or occurring within the jurisdictional limits of Atlanta, in the same way and with the same power as the Judge of the Superior Court, and to discharge, admit to bail, or remand to jail any prisoner, according to his discretion and the law of the land, but nothing herein contained shall be construed to lessen or take away the powers of the Judge of the Superior Court of the Atlanta Circuit.

56. SEC. XI. That the said City Court shall have jurisdiction of all claim cases where personal property is levied on under execution, or other process from said Court, and all mortgages upon personal property, for an amount within the jurisdiction of said Court, may be foreclosed by the Judge of the same, in the same way or manner as in the Superior Court, and all subsequent proceedings thereon shall be in said City Court.

57. SEC. XII. That the sessions of said Court shall be held on the first Mondays in June and December, of every year, for the transaction of all civil and criminal business, and on the first Mondays in March and September for the transaction of criminal business exclusively.

58. SEC. XIII. That suits in said City Court shall, in all respects, be conformable to the mode of proceedings in the Superior Court, but the process shall be annexed by the Clerk of said City Court, be tested in the name of the Judge thereof, and be directed to, and served by the sheriff or his deputies thereof.

59. SEC. XIV. That all judgments obtained in said Court shall be a lien on all property belonging to the defendants throughout the State, but property exempt from levy and sale under the general law of the State, shall be exempt from levy and sale under process

Solicitor of
Atlanta Ct.
to act as
Solicitor of
City Court.

Officers of
Fulton Co.
to act for
City Court.

Judge may
issue writs
of habeas
corpus.

Court may
have juris-
diction in
claim cases

Time of
sessions.

Suits to
conform to
proceedings
in Superior
Courts.

Lien of
Judgments.

To establish a Court in Atlanta.

from said Court, and all executions shall be tested in the name of the Judge, issued and signed by the clerk, directed to the sheriff, or his deputy, of the City Court of Atlanta, and all and singular, the sheriffs, or their deputies, of the State of Georgia, and may be levied on all the property of the defendants throughout the State, but the sheriff, or his deputy, of said City Court may levy all such executions on property within any part of the county of Fulton.

60. SEC. XV. That in the absence of the Judge of said Court, from indisposition or otherwise, it shall be the duty of the clerk or sheriff of the same, to open and adjourn said Court to such day as the Judge may, in writing, direct. In absence of Judge, Clerk may adjourn Court.

61. SEC. XVI. That the said Court is empowered to compel the production of books, papers, and writings in the possession of any party to a suit in said Court containing evidence pertinent to the cause in question, under the rules and regulations provided by law for other Courts of record. May compel production of books.

62. SEC. XVII. That the Judge of said City Court shall have power and authority to hear and determine all civil causes of which the said Court has jurisdiction, and to give judgment and award execution therein; *provided*, always that either party in any cause shall be entitled to a trial by jury, upon entering a demand therefor, in writing, on or before the call of the docket of said Court at the term to which the cause is returnable, in all cases where such party is entitled to a trial by jury under the Constitution and laws of this State. Entitled to trial by jury.

63. SEC. XVIII. That whenever, in any cause now pending or hereafter brought to said Court, the Judge thereof shall, from any cause, be disqualified from presiding, the parties litigant, or their respective counsel, may select any attorney practicing in said Court to preside in such case, and the Judge shall have such consent entered on the minutes, and the attorney selected shall exercise all the functions of Judge in such case. In case of disqualification of Judge parties may select attorney to preside.

64. SEC. XIX. That all sales of property, taken under execution by the Sheriff of said Court, or any sheriff of a county, shall be conformable to the law of the State regulating sheriff's sales. Sales under execution.

65. SEC. XX. That the party in whose favor a verdict shall be rendered in said Court, shall be allowed to enter and sign judgment thereon, at any time within four days after the adjournment of the Court, at the clerk's office, for the amounts of such verdict and all legal costs, and no execution shall issue on such verdict until such judgment shall be entered by the party or his attorney. Time when judgment shall be entered.

66. SEC. XXI. That stay of execution for sixty days may be had, in the same manner and on the same terms, as are or may be allowed in the Superior Courts. Stay of execution.

67. SEC. XXII. That claims to real property, levied on under execution, issuing from said Court, shall be returned to and tried in the Superior Court of the county where such real property may be situated; and such claims shall be put in, and tried and determined, Claims—returned and tried.

To establish a Court in Atlanta.

as in other cases of claim, in such Superior Court. Claims to personal property, levied on under execution or attachment from said City Court, shall be returned and tried there, in the same manner as claims to personal property, in the Superior Court.

Acts applic-
able to Su-
perior Courts
to apply to
City Court.

68. SEC. XXIII. That all Acts or parts of Acts already or hereafter passed upon the subject of attachment, or garnishment, or legislating, as to any matter whatever, in the Superior Courts of this State, shall apply to said City Court, as if named with the Superior Courts, so far as the nature of that tribunal will admit.

Who may
issue
attachm'ts

69. SEC. XXIV. That the Judge of said Court, or any Councilman of said city, or any Justice of the Peace, or Notary Public, may issue attachments returnable to said Court, under the same laws that govern the issuing of attachments returnable to the Superior Courts of this State.

Attachm't,
directed
and served.

70. SEC. XXV. That such attachments shall be directed to the sheriff, or his deputy, of the City Court of Atlanta, and to all and singular the sheriffs and constables of this State, and all prior and subsequent proceedings relative to such attachments, not herein expressly mentioned or specified, shall be governed by the laws of the State in relation to attachments in the Superior Courts.

Attachm't
levied in
any part of
Fulton Co.

71. SEC. XXVI. That the sheriff, or his deputy, of the City Court of Atlanta may levy attachments, returnable to said Court, in any part of Fulton county.

Proc'dings
as to gar-
nishment.

72. SEC. XXVII. That garnishment proceedings in said Court shall be conformable to the law of the State on that subject in the Superior Courts: *Provided*, the garnishee shall reside in the county of Fulton, or not elsewhere in the State; but where the garnishee shall reside in any other county, then he shall be summoned and served, and shall make his return, and all other proceedings shall be had in the manner pointed out in the general law of the State for non-resident garnishees, with this proviso, however: That the summons must be returnable to the Superior Court of the county of the residence of such garnishee, and further proceedings be had in said Superior Court.

Scire facias

73. SEC. XXVIII. That *scire facias* to make parties in any cause in said Court shall be had as in the Superior Court, but such *scire facias* shall run throughout the State, and may be served by any sheriff thereof.

Witnesses
and
subpoenas.

74. SEC. XXIX. That the general law of the State in regard to witnesses and their attendance, interrogatories, sets-off, affidavits of illegality, arbitration, and examination of parties to suits by interrogatories, or under subpoenas, and all other matters of a judicial nature, within the jurisdiction conferred on said City Court shall be applicable to said City Court, but subpoenas shall be served by the Sheriff of said Court, or a constable of said city, or a private person.

75. SEC. XXX. That the Judge of said Court shall have power to cause testimony to be taken *de bene esse* in all cases pending in

To establish a Court in Atlanta.

the same according to the general law of the State, and the said Judge and other officers of said Court shall have, respectively, power to administer all oaths pertaining to their respective offices as fully as the Judge and other officers of the Superior Court may in like cases do. Testimony
de bene esse.

76. SEC. XXXI. That the said Judge shall also have power to attest deeds and other papers, and administer affidavits in all cases in which, by existing laws, such papers may be attested and affidavits administered by the Justices of the Peace of the county of Fulton. Judge to
attest
deeds, etc.

77. SEC. XXXII. That all the duties and liabilities attached to the Clerks of the Superior Courts, and to the sheriffs of the counties, shall be attached to the Clerk and Sheriff of said City Court, and the Judge of said Court is empowered to exercise the same authority over the clerks and sheriffs, and other officers of said Court, as is legally exercised by the Judges of the Superior Courts over the Clerks of the Superior Courts, and sheriffs of the counties, and other officers amenable to them. Duties of
officers.

78. SEC. XXXIII. That defendants in criminal causes shall be tried on written accusations, setting forth plainly the offense charged, founded on affidavit containing the name of the accuser, and signed by the Solicitor General. The proceedings after accusation shall conform to the rules governing in the Superior Court, except there shall be no jury trial unless demanded by the accused, in which case a panel of twelve shall be furnished, from which the defendant and the State shall, alternately, strike until but five jurors remain who shall compose the jury. Defendants
in criminal
cases—how
tried.

79. SEC. XXXIV. That said Sheriff and Clerk of said City Court may sue and be sued in said Court, but when the clerk may be defendant in any action, the process shall be signed by the Judge, and said clerk shall be required to copy the petition and annex the process thereto, and the clerk shall also make out final process in any case in which he may be interested, as in other cases, which shall be signed by the Judge and executed as in other cases; and in all cases before said Court in which the sheriff shall be plaintiff or defendant, process shall be directed the marshal, and all and singular, the policemen of the city of Atlanta, and may be served by any one of them, and the proceedings thereon shall be as in other cases. Proceedings,
when Sh'ff
or Cl'k are
parties.

80. SEC. XXXV. That in any case where it may be necessary to attach the Clerk of said Court, it shall be lawful for the Judge thereof to call in the services of the Clerk of the City Council of Atlanta, and the marshal of said city shall be competent to enforce any attachment by said Judge against the sheriff thereof. In case of
attachment
against
Clerk or
sheriff.

81. SEC. XXXVI. That the Clerk of said Court shall copy into a book of record, to be provided by the Mayor and Council of Atlanta, all the proceedings in all the civil cases in said Court, which entry of record shall be made within twenty days after the deter- Clerk to
keep rec'd

To establish a Court in Atlanta.

mination of any cause, and the clerk shall be allowed the same fees for that service, to be taxed in the bill of costs, as are allowed in the Superior Courts for similar service, and the said clerk shall keep from day to day regular minutes of the proceedings of said Court, which shall be examined and signed by the Judge.

Jurors in
City Court.

82. SEC. XXXVII. That all persons residing in the corporate limits of Atlanta, and liable to serve as jurors in the Superior Court of Fulton county, shall be liable to serve as jurors in said City Court, and the Judge of said Court shall conform to the laws of this State pointing out the mode selecting, drawing and summoning jurors for the Superior Court, except as may be hereinafter mentioned; and the fines and other proceedings relative to the non-attendance of jurors, or contempts by them committed, shall be in conformity with the general law, and the oath to be administered to juries and witnesses in said City Court, upon the trial of civil causes, shall be the same as are, by law, to be administered to juries and witnesses in the Superior Courts.

Jurors—
how select'd

83. SEC. XXXVIII. That it shall be the duty of the Ordinary of the county of Fulton, together with the Clerk of the said Court and three commissioners, appointed for said county by the presiding Judge of the Superior Court, to meet at the Court-house on the second Monday in January, biennially, whose duty it shall be to select from the book of the Receiver of Tax Returns "upright and intelligent persons," citizens of Atlanta, to serve as jurors, and to make out tickets, with the names of the persons so selected, which said tickets shall be put in a box, to be provided at the public expense, which said box shall have two apartments, marked number one and two, and which shall be locked up and sealed by the Judge and placed in care of the clerk and the key in care of the sheriff; and no jury shall be drawn but in the presence of the Judge, in open Court, nor shall any person, on any pretense whatever, open said box or alter names placed therein, and any person so offending, upon conviction of the same, shall be punished by fine and imprisonment in the common jail of the county, at the discretion of the Court.

Clerk and
commis'n's
to draw
petit jurors

84. SEC. XXXIX. That it shall be the duty of the Clerk of said Court, together with the commissioners, to meet at the Court-house at least twenty days previous to the first term of said Court, after the establishment thereof, and then and there draw petit juries to serve at that term, all of which shall be duly entered by said clerk on the minutes of the Court and signed by the Ordinary, and it shall be the duty of the said clerk to issue and deliver to the sheriff, or his deputy, a precept containing the names of the persons drawn as petit jurors, and upon the receipt of said precept, the sheriff or deputy shall cause the persons, whose names are therein written, to be served personally, or by leaving the summons at their most notorious place of residence, at least ten days prior to the term of the Court the jurors were drawn to attend.

To establish a Court in Atlanta.

85. SEC. XL. That all laws in reference to the qualifications, relations, drawings, summonings, and impaneling petit jurors, and of challenging, now of force in this State, or hereafter passed by the General Assembly, with respect to the governments of the Superior Courts, shall apply to and be observed in the said City Court of Atlanta: *Provided*, that there shall be a jury fee of three dollars assessed as a part of the costs for every verdict rendered.

General laws applicable to jurors in City Court.

86. SEC. XLI. That in all matters pertaining to pleadings and practice, the laws governing the Superior Court, where not inconsistent with the provision of this Act, shall be applicable to said City Court.

Rules of pleading as in Superior Court.

87. SEC. XLII. That it shall be the duty of all Justices of the Peace and Notaries Public of this State to bind over all persons charged with offenses committed in the corporate limits of the city of Atlanta, over which the said City Court has jurisdiction, to appear before said Court to answer for said offenses.

Justices to bind over to City Ct. Service of jurors.

88. SEC. XLIII. That the petit jurors of said Court shall not be compelled to serve longer than one week, except when actually engaged in the trial of a case at the expiration of such week, but the Judge is authorized hereby to have summoned, instant, either by drawing from the jury boxes or otherwise, any additional number of petit jurors that in his discretion he may deem necessary to perform the service demanded by the business before the Court.

Service of jurors.

89. SEC. XLIV. That in all cases where under execution or attachment process returnable to said Court, horses, mules or other live stock may be levied upon, the sheriff or other levying officer shall be allowed the amount of stabling or keeping necessary, according to the current rates actually expended by him, and in all cases of levy under process as aforesaid, horses, mules, hogs or other live stock, or dry goods, groceries or other property of a perishable nature, may be sold by order of Judge of said Court upon application to him on oath, at such time and place as to him may seem most advantageous: *Provided*, that not less than ten days' notice be given in a public gazette, and at the Court-house in said city, of the time and place of sale, except in cases of fruit or other articles that would be greatly deteriorated by a delay of ten days.

Cost of keeping live stock allowed sheriff.

Perishable property to be sold. Proviso.

90. SEC. XLV. That a writ of error shall lie direct from the said City Court to the Supreme Court of this State upon a bill of exceptions filed under the same rules and regulations as govern and control the issuing of writs of error and filing of bills of exceptions in the Superior Courts of this State.

Writ of error to lie to Supreme Court.

91. SEC. XLVI. That in any case where it may be necessary to have property levied on by the Sheriff of said Court guarded, said sheriff may appoint and have sworn in, a special deputy for that purpose, and the Judge may allow a reasonable compensation in such case, and in any other case where the sheriff may require assistance, and if any person shall oppose, resist, assault or beat any

Special deputies to be appointed in cert'n cases.

Police Court of Savannah.

special sheriff in the discharge of duty, such person shall, on conviction, be fined or imprisoned at the discretion of the Court.

Police-
men
of Atlanta
constables
of City Ct.

92. SEC. XLVII. That the policemen and *ex officio* policemen of the city of Atlanta, from time to time shall be constables of said Court, so far as to authorize them to serve all processes and orders of said Court to them directed, but the Judge of said Court is hereby empowered to select, in conjunction with the Mayor of said city, five members of the police of said city as special bailiffs of said Court, who shall remain bailiffs as aforesaid for one year, unless removed as bailiffs by the Judge, or in case of dismissal or resignation from said police. It shall be the duty of three of said bailiffs to attend on sittings of said Court, subject to the orders of the Judge thereof, and they shall receive one dollar a day while so attending, to be paid from the fines and forfeitures in said Court; said bailiffs being empowered to serve any criminal warrant within the jurisdictional limits of said Court; *provided*, the warrant does not issue for an offense above the grade of misdemeanor, and for purposes thereof shall be considered lawful Bailiff of the State of Georgia.

Fines—how
appropri'd.

93. SEC. XLVIII. That moneys arising from jury fines and fines imposed for the violation of the penal laws and collected from forfeited recognizances in said Court shall be subject to the payment of the fees of the Solicitor General, and the clerk, and the sheriff, and other officers of said Court, in criminal cases; but the Mayor and Council of the City of Atlanta shall not be liable for insolvent costs in any civil or criminal case, and the Solicitor General, clerk, and sheriff, and other officers bringing the money into Court shall be entitled to have their insolvent bills paid first, and then the bills of former solicitors, clerks and sheriffs, and other officers shall be paid according to priority; but no bill remaining unpaid for a longer time than four years shall take any part of said fund.

Insolvent
costs.

After pay-
ing fees, re-
mainder to
be paid
into city
treasury.

94. SEC. XLIX. That all moneys collected from fines and forfeitures, and all other sources, after payment of all costs due to the officers of said Court shall, at the adjournment of each term of said Court, be paid over to the Treasurer of the City of Atlanta, and the Solicitor General of said Court shall, at the close of each session, render to the Mayor and Council of the City of Atlanta an accurate account of all moneys collected, and amounts paid out, showing the balance remaining in his hands to the credit of the city of Atlanta.

SEC. L. Repeals conflicting laws.

Approved December 15th, 1871.

No. LXIX.—(O No. 146.)

An Act to amend the Charter of the City of Atlanta by providing for the election of a Recorder and an Auditor, and to prescribe their duties.

95. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Mayor and Council, at their annual elections of city officers may, in their discretion, elect a Recorder, whose duty it shall be when so elected to preside at the City Courts, known as the Mayor's Courts, with as full and ample authority to try and dispose of all causes within the jurisdiction of the Mayor's Court as the Mayor heretofore had. That the salary of the Recorder shall be fixed by the Mayor and Council prior to his election, and shall not be increased or diminished while in office. In case of the death, removal or resignation of the Recorder, the Mayor and Council may elect a successor to fill the unexpired term.

Mayor and Council may elect a Recorder to preside at Mayor's Courts. Salary.

96. SEC. II. That the Recorder may be, at any time, removed by the Mayor and Council for malpractice in office, or for incompetency; that in case of the absence or disability of the Recorder, the Mayor, or Mayor *pro tem.* shall have full power and authority to perform the duties of his office; that the Recorder may hold any other city office not necessarily conflicting with his duties as Recorder.

May be removed for cause. Recorder may hold other city office.

97. SEC. III. That the Mayor and Council of the City of Atlanta may, in their discretion, at their annual elections for city officers, elect an auditor who shall receive such salary as may be voted to him by said Mayor and Council; it shall be the duty of the auditor, when so elected, to audit all accounts against the city and certify that they are correct or incorrect, as the case may be, before they are passed up; he shall examine, quarterly, the books, papers and accounts of all city officers through whose hands money may pass, and make a written report to the Mayor and Council, as to the correctness of said accounts.

Mayor and Council may elect Auditor. Salary and duties.

98. SEC. IV. That the auditor may be removed at any time by the Mayor and Council for malpractice in office or incompetency; that the election of a Recorder, (auditor) with the duties above set forth, shall not relieve the members of the City Council of the responsibility of examining into all accounts for and against said city, and into the reports of the city officers.

May be removed. Election does not relieve Council of responsibility.

SEC. V. Repeals conflicting laws.

Approved December 12th, 1871.

City Court of Augusta—City Court of Macon.

No. LXX.—(O No. 119.)

An Act to extend the jurisdiction of the City Court of Augusta, and for other purposes.

99. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That when the said City Court shall have jurisdiction of suits against one or more joint obligors, joint promisers, joint trespassers, or copartners, or against one or more makers of a promissory note, or any other like instruments, and the other joint obligor or joint obligors, joint promiser or joint promisers, joint trespasser or joint trespassers, copartner or copartners, maker or makers, indorser or indorsers, shall reside outside the limits of the city of Augusta, and within the county of Richmond, or any other county or counties in this State, suit may be brought in the said City Court of Augusta, by the same action, against all the joint obligors, joint promisers, joint trespassers or copartners, and against the maker or makers, indorser or indorsers of promissory notes or like instruments, and in such cases the Clerk of said Court shall issue other originals and copies of the petition and process, one for each of the defendants residing outside of the city of Augusta, and forward the same to the sheriff of each county where the defendants reside, and such sheriff shall serve the copy on the defendant and return the original, with his entry thereon, to the Clerk of the said City Court of Augusta.

City Court to have jurisdiction over joint obligors residing out of city.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. LXXI.—(O No. 9.)

An Act to abolish the City Court of the City of Macon, and to repeal an Act entitled an Act to create and organize the City Court of the City of Macon, to define the jurisdiction thereof, and for other purposes, approved October 26th 1870, and for other purposes.

100. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the City Court of the City of Macon be, and the same is hereby abolished, and the Act entitled an Act to create and organize the City Court of the City of Macon, to define the jurisdiction thereof, and for other purposes, approved October 26th, 1870, is hereby repealed.

Court abolished, and Act defining jurisdiction repealed.

Clerk to transfer record to Superior Court.

101. SEC. II. That the Clerk of said City Court shall transfer all the records and papers of said Court to the Superior Court of Bibb county, and said Superior Court is hereby vested with power to close up and dispose of the unfinished business of said City Court.

SEC. III. Repeals conflicting laws.

Approved December 1st, 1871.

Joint obligors—Police Court of Savannah.

No. LXXII.—(O No. 207.)

An Act to provide for suits against joint obligors, joint promisers, joint trespassers, copartners, and the makers and indorsers of promissory notes, and other like instruments, in the City Court of Savannah, and for other purposes.

102. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That where the City Court of Savannah shall have jurisdiction of suits against one or more joint obligors, joint promisers, joint trespassers, or copartners, or against the maker or makers of a promissory note, or other like instrument, and the other joint obligors, joint promisers, joint trespassers, or copartners, or (other) indorsers of promissory notes, shall reside outside the limits of the city of Savannah, and within the county of Chatham, or any other county or counties in this State, suit may be brought in the said City Court of Savannah, by the same action, against all the said joint obligors, joint promisers, joint trespassers, or copartners, and against the maker and indorser of promissory notes; and, in such cases, the Clerk of the said Court shall issue other originals of the petition and process for such cases, one for each county where the defendants may reside, and forward the same to the sheriff of said county, who shall serve the copy and return the second or other original, with his entry thereon, to the Clerk of said City Court of Savannah, and the process shall be directed to the Sheriff of the City Court of Savannah, and to the sheriffs of the counties where the defendants reside: but nothing herein shall be construed to require a formal direction of the process.

Jurisdiction over joint obligors outside the limits of Savannah and within the county of Chatham or other counties of Georgia.

103. SEC. II. That the mode and manner of conducting such suits shall be the same as in other cases of similar character.

Suits—how conducted.

SEC. III. Repeals conflicting laws.

Approved December 15th, 1871.

No. LXXIII.—(O No. 53.)

An Act to amend the law establishing the Police Court of the City of Savannah.

104. SECTION I. *It is hereby enacted by the General Assembly of the State of Georgia,* That after the passage of this Act, the Mayor and Aldermen of the City of Savannah, in Council assembled, may elect an officer to be called "Recorder," for such time, and for such compensation as they may ordain, who shall, either alone or with the Mayor of said city, be authorized to preside in and hold the sessions of said Court, provided for by the existing law: *Provided,* that when the said Mayor and Recorder shall preside together,

Recorder to be elected.

Recorder to hold Police Ct

Jurisdiction of District Court—Compensation of clerk, sheriff, etc.

and differ in opinion, the said Mayor shall pronounce the judgment of the Court.

Approved December 11th, 1871.

No. LXXIV.

An Act to repeal an Act entitled an Act to organize the District Court and define its jurisdiction, and for other purposes, approved October 28th, 1870.

105. SECTION I. *Be it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, that the

Act of Oct.
28, 1870, re-
pealed.

Act entitled an Act to organize the District Court and define its jurisdiction, and for other purposes, approved October 28th, 1870, be, and the same is hereby repealed.

Clerk to
transmit
all cases to
Superior
Court.

106. SEC. II. That it shall be the duty of the Clerk of the District Court to transmit all cases now pending upon the civil or criminal docket of said Court, to the Superior Court, which said Court is hereby vested with jurisdiction over the same.

SEC. III. Repeals conflicting laws.

Passed over the Governor's veto by a constitutional majority, December 7th, 1871.

No. LXXV.—(O No. 110.)

An Act to compensate the Clerk and Sheriff of the Superior Court, and other officers, for services rendered in the District Court for Richmond-County, and for other purposes.

107. SECTION I. *The General Assembly do enact,* That the Treasurer of Richmond county shall pay over to the clerk and sheriff, and other officers, for costs and services in the District Court of Richmond county, whatever amounts may be due them, the compensation to be the same as that allowed for costs and similar services in the Superior Court, and said officers shall be paid upon presenting to said treasurer, each, their affidavit of the amount due them, and said payment shall be made out of the tax levied in said county for the expenses of said Court.

Treasurer
to pay costs
due officers
of District
Court.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

Instructions to Ordinaries—Meeting of the Legislature.

No. LXXVI.—(O No. 203.)

An Act to require the Ordinaries of the several Counties in this State, in issuing orders on the several County Treasurers, to specify in said order the particular fund out of which said order ought, rightfully, to be paid.

108. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, that the Ordinaries of this State, after they shall have allowed and audited claims against their respective counties, as by existing laws they are required to do, shall, in the order drawn upon the county treasurer for payment, specifically designate upon what particular fund said order is drawn, and out of which payment is to be made. Ordinaries designate fund upon which their warrants are drawn.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

SUPREME COURT DECISION.

That it is the duty of the Ordinary, in his levying taxes, to specify what rate per cent. is levied for each specific purpose. *Mitchell vs. Speer*, 89th Georgia Report, 66.

TITLE VIII.

LEGISLATURE.

Act No. 1—Annual Session, time of holding changed.

No. LXXVII.—(O No. 19.)

An Act to repeal an Act entitled an Act to change the time of (holding) the annual meeting of the Legislature of this State, approved October 25th, 1870.

1. SEC. I. *Be it enacted by the General Assembly,* That the above recited Act be, and the same is hereby repealed. Act of Oct. 25, 1870, repealed.

Approved December 4th, 1871

NOTE—The Act of October 25th, 1870, changed the time for holding the session of the General Assembly, from the second Wednesday in January, annually, as prescribed by the Constitution, to the first Wednesday in November. By its repeal the time of meeting is restored to the second Wednesday in January.

Allowing indigent and blind persons to peddle.

TITLE IX.

—
PEDLERS.

Act No. 1—Indigent, etc., to Peddle without License.

No. LXXVIII.—(O No. 94.)

An Act to allow maimed, indigent, and blind person to peddle in this State without license.

Preamble... WHEREAS, There is in this State many maimed, indigent, and blind persons who are unable to earn a livelihood by manual labor on account of wounds received. Therefore,

Who may peddle without license. 1. SEC. I. *Be it enacted, etc.,* That from after the passage of this Act, the aforesaid class of persons shall be authorized to peddle in this State until the first of January, 1876, without paying for license. *Provided,* that the provisions of this Act shall not be construed to include spirituous liquors.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

Selling mortgaged property punishable.

TITLE X.

PENAL CODE.

SECTION.

1. Mortgaged property, under what conditions sold.
2. Persons selling, guilty of a misdemeanor, penalty for.
3. Fine, how disposed of.
4. Superior Court to have jurisdiction.

SECTION.

5. State, persons refusing to pay over property belonging to, guilty of felony. Punishment for.
6. Persons firing fences, etc., guilty of felony.
7. Police for Camp Grounds and Churches, by whom appointed.

No. LXXIX.—(O No. 152.)

An Act to make penal the selling of personal property which has been mortgaged as a security for the payment of debt, and to provide for the punishment of the same.

1. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, no person, after having executed a mortgage deed to personal property, shall be permitted to sell or otherwise dispose of the same with intent to defraud the mortgagee, unless the consent of the mortgagee be first obtained before the payment of the indebtedness for which the mortgaged deed was executed to secure. Consent of mortgagee to be had before selling mortg'd property.

2. SEC. II. That if any person shall violate the provisions of the first section of this Act, and loss thereby is sustained by the holder of the mortgage, shall be deemed and held guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in double the sum, or debt, for which said mortgage was given to secure; and upon failure to pay said fine immediately, the person so convicted shall be imprisoned in the common jail for a period not less than six months, nor more than twelve. Person so selling guilty of misdemeanor.

3. SEC. III. That when the fine has been imposed and collected, one-half shall be paid to the holder of the mortgage, and the payment shall extinguish the debt for which the mortgage was executed to secure, and the remaining half shall be paid over to the county treasury of the county in which said conviction was had. Penalty. Fine—how disposed of

4. SEC. IV. That the Superior Court held for the county in which the party violating this Act resides, shall have jurisdiction to try the offender. Superior Ct. to have jurisdiction

SEC. V. Repeals conflicting laws.

Approved December 13th, 1871.

Penal to withhold money, etc., belonging to the State.

No. LXXX.—(O No. 197.)

An Act to make it penal to withhold money or personal property belonging to the State of Georgia.

Persons
refusing to
pay over
property
belonging
to State
guilty of
felony.

To receive
and refuse
to pay over
is felony.

Punishm't.

5. SEC. I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That if any person having heretofore fraudulently, or wrongfully, or illegally received any money or personal property belonging to the State of Georgia, shall refuse to pay over said money, or deliver up said personal property to the Treasurer of the State of Georgia, or his authorized agent, upon a demand of the same by such Treasurer or agent: or, if any person heretofore having lawfully received money or personal property, belonging to the State of Georgia, and still the property of the State, as an officer of said State, or otherwise, shall after demand upon him by the Treasurer of the State of Georgia, or his authorized agent, fail to pay said money, or deliver said personal property to said Treasurer, or his agent, within ten days after such demand, such person so refusing shall be guilty of a felony, and shall be punished, after conviction, by confinement and labor in the Penitentiary of the State of Georgia for a time not less than one, nor longer than two years. And if any person shall hereafter fraudulently, wrongfully or illegally, receive any money or personal property belonging to the State of Georgia, and shall refuse to pay over said money, or deliver up said personal property to the Treasurer of said State, or his authorized agent, upon a demand of the same, by such Treasurer, or his agent; or if any person shall hereafter lawfully receive money or personal property belonging to the State of Georgia, as an officer of said State, or otherwise, and shall, after demand upon him by said Treasurer, or his authorized agent, fail to pay said money, or deliver said personal property to said Treasurer, or his authorized agent, the same being still the property of the State, within ten days after such demand, such person so refusing shall be guilty of a felony, and shall be punished, after conviction, by confinement and labor in the Penitentiary of said State for a time not less than one, nor more than two years.

Approved December 14th, 1871.

No. LXXXI.—(O No. 26.)

An Act to amend and add to the Law of Arson in the State of Georgia.

Persons
setting fire
to fences,
etc., guilty
of felony.

6. SECTION I. *Be it enacted by the General Assembly of Georgia,* That any person guilty of the willful and malicious setting fire to or burning the fences of another, or his stacks of fodder, grain or hay, or his shocks or piles of the same, or his crops not gathered in his fields, not in a town, city or village, shall be guilty of a felony,

Protection of religious worship.

and shall be punished by imprisonment and labor in the Penitentiary for a time not less than one nor longer than three years; and if such fence, stack, shock or pile, be in a city, town or village, the willful ^{If in town.} and malicious burning of the same, or setting fire to the same, shall be punished by imprisonment and labor in the Penitentiary for a ^{Punishm't} time not less than two nor longer than five years, unless the fire be communicated to a house, when the punishment shall be as prescribed in section 4310 of the Penal Code of Georgia.

Approved December 8th, 1871.

No. LXXXII.—(O No. 81.)

An Act more effectually to protect religious worship in the State of Georgia.

7. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That it shall be lawful for the Justices of the Peace in each militia district in this State, in which is situated an incorporated church or camp-ground, upon application, in writing, signed by the trustees or members of the corporation of such church or camp-ground, or other incorporate place of divine worship, to appoint ^{Justice of the Peace to appoint police for camp gr'nd and church} three or more suitable persons to act as a police for said place of public worship, whose duty it shall be to apprehend all persons disturbing the congregation assembled at such place or places for religious worship, or otherwise violating the laws of this State, and immediately carry such person or persons so offending, before the nearest Justice of the Peace, who shall issue a warrant for said person or persons, and proceed to take examination in such cases in manner prescribed by law.

SEC. II. Repeals conflicting laws.

Approved December 11th, 1871.

Poll tax for certain years illegal—Charter of University changed.

TITLE XI.

TAXES.

SECTION.

1. Act of October 25, 1870, repealed.

SECTION.

2. Poll tax 1868, 1869 and 1870, to be collected.

No. LXXXIII.

An Act to repeal an Act entitled an Act to declare the poll tax of this State, for the years 1868, 1869 and 1870, yet uncollected, illegal, and to prevent the collection of the same.

Act of Oct.
25, 1870, re-
pealed.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the above recited Act be and the same is hereby repealed.

Comptrol'r
to instruct
Collectors
to collect
poll taxes
of 1868, '69,
and '70.

2. SEC. II. That the Comptroller General is hereby directed and required to issue special instructions, within ten days from the passage of this Act, to the tax collectors of the several counties of this State, requiring them to collect the same poll taxes of 1868, 1869 and 1870, now uncollected, and by the said recited Act declared to have been illegal, and they make returns of the same by the first day of April, 1872.

Passed over the veto of the Governor, December 7th, 1871.

TITLE XII.

UNIVERSITY OF GEORGIA.

SECTION. 1. Four Trustees added to Board. How and by whom elected.

No. LXXXIV.—(O No. 10.)

An Act to change the Charter of the University of Georgia so as to add four additional Trustees to the Board and give the election of said Trustees to the Alumni Society.

Four Trus-
tees added
to Board.

How
elected.

1. SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That the charter of the University of Georgia be and it is hereby so changed as to add four additional trustees to the board of trustees; which four additional trustees shall be elected by the Alumni Society, at its first meeting after the passage of this Act, as

To amend the usury laws of this State.

follows, to-wit: one of said trustees shall be elected for one year, one for two years, one for three years and one for four years, so that one vacancy may occur at each subsequent annual meeting of the society; and each trustee elected by said society, after the first election, shall hold for the term of four years.

SEC. 2. Repeals conflicting laws.

Approved December 2d, 1871.

TITLE XIII.

USURY.

SECTION.

1. Contract to pay interest not exceeding ten per cent. valid.
2. Seven per cent. collected where no rate is specified.

SECTION.

3. Usury not recoverable after six months' payment.
4. Not more than ten per cent. collected.

No. LXXXV.—(O. No. 66.)

An Act to amend the usury laws of this State.

1. SECTION I. *The General Assembly of the State of Georgia do enact*, That when any person makes a written contract to pay interest at a rate not exceeding ten per centum per annum for the use of money, such contract shall be valid and binding, and may be enforced in the Courts of this State.

Contract to pay interest not exceeding ten per cent. valid.

2. SEC. II. If the contract is silent as to the rate of interest, seven per centum per annum only can be collected.

If no rate is specified, only 7 per cent. can be collected.

3. SEC. III. No usury heretofore paid shall be recovered back, unless the person or persons who paid the same institute suit therefor within six months after the passage of this Act; and no usury hereafter paid shall be recovered back, unless sued for within six months after the payment thereof.

No usury to be recovered unless person paying brings suit within six months

4. SEC. IV. Where a written contract is made to pay more than ten per centum for the use of money borrowed, the lender shall not be entitled to recover more than ten per centum as interest on the sum lent.

Not more than 10 per cent. can be collected.

SEC. V. Repeals conflicting laws.

Approved December 11th, 1871.

TITLE XIV.

WATER COURSES.

SAVANNAH RIVER.

SECTION.

1. Fishing for shad prohibited on certain days.
2. Penalty for violation of.

CEDAR CREEK.

SECTION.

3. Lumbermen may clear out.
4. Penalty for obstructing.

No. LXXXVI.—(O No. 219.)

An Act to promote the propagation of shad fish in the Savannah river, and to impose a penalty for fishing for said fish in said river on Sunday or Monday.

Fishing
for shad
forbidden
on certain
days.

1. SECTION I. *The General Assembly do enact*, That no person shall fish for shad fish in the Savannah river on Sunday or Monday, nor shall any one on either one of said days place or leave in said river any seine, gill or drag net, bag or hook net, wire trap, basket, or any other apparatus in or by which shad fish are caught.

Penalty for
violation.

2. SEC. II. That any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall, for each and every offense, be fined in a sum not exceeding two hundred dollars, one-half of which amount shall go to the informer.

Approved December 14th, 1871.

No. LXXXVII.—(O No. 136.)

An Act to provide for the opening and clearing out Cedar Creek, in the county of Wilcox, and fixing a penalty for the obstructing of said stream, etc.

Lumbermen
allowed to
clear out
Cedar
Creek.

3. SECTION I. *Be it enacted by the General Assembly of Georgia*, That parties engaged in cutting and rafting timber in the county of Wilcox be allowed to clear said stream of obstructions, for the purpose of carrying timber down said stream to the Ocmulgee for shipment, etc.

Penalty for
obstructing

4. SEC. II. That any person obstructing said stream in any manner so as to interfere with the free passage of said stream for purposes before mentioned, be subject to indictment in the Superior Court of said county of Wilcox, and on conviction thereof be fined in the sum of five hundred dollars, or six months' imprisonment in the county jail.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

How stolen money may be recovered.

TITLE XV.

WESTERN AND ATLANTIC RAILROAD.

SECTION.

- 1 Property stolen from State, how recovered.
- 2 Attachment may issue on oath of informant.
- 3 Attachment may issue if defendant is non-resident.
- 4 Passage of this Act is notice of claim.
- 5 Suits limited to one year.
- 6 Solicitor's fees.
- 7 Property recovered, how disposed of.

SECTION.

8. Affiant may swear to best of knowledge.
9. Informant's duty upon claim to property.
10. Suits to be in name of State.
11. None discontinued without consent of Judge.
12. Proceedings amendable.
13. Offices of, discontinued.
14. Salary not paid till claim is allowed.

No. LXXXVIII.—(O No. 208.)

An Act to provide a remedy by which money or property stolen or unlawfully or fraudulently converted or detained from the State or the Western and Atlantic Railroad, may be recovered, and for other purposes.

1. SECTION I. *Be it enacted by the General Assembly of Georgia,* That any money or property stolen from the State or the Western and Atlantic Railroad, or fraudulently or unlawfully detained from the same, and any money or property of which the said road or the State may have been in any manner defrauded or which is unlawfully detained from the same, or that may hereafter be in any manner unlawfully detained, may be recovered from the person perpetrating the fraud or guilty of the conversion, or from any person or persons or corporation into whose possession the same or the fund may be traced by competent proof, (except persons taking *bona fide*, for value, without notice of the fraud) by a proceeding upon petition filed by the Solicitor General, upon the information of any citizen, in the Superior Court of the county where the defendant resides, if a resident of this State, and the person prosecuting said suit shall receive such compensation for himself and his counsel, and no more, as the Court may think equitable and just, and to be paid out of the recovery, and not otherwise, under order of the Court.

Property
stolen from
State—how
recovered.

2. SEC. II. As ancillary to said suit, an attachment may issue upon the informer or any citizen instituting the proceedings, making oath that the defendant has defrauded the State of Georgia, stating the amount which attachment may issue when the suit has commenced or at any time pending the suit, such attachment to be sued out upon a substantial compliance with the Revised Code on the subject of attachments, except as to the affidavit, and may be levied upon

Attachment
may issue
upon oath
of informer

Remedy provided to recover stolen money.

any and all the property of the defendant; and when such attachment is once issued it may be removed to any other county or counties as in other cases, and may in any case be withdrawn and again levied upon other property when such may be discovered.

Attachment may issue if defendant is non-resident.

Passage of Act shall be notice of claim.

Suits limited to one year.

Solicitor's fees.

Property recovered—how disposed of.

Affiant may swear to the best of knowledge.

Informers duty upon defendant's claim to property.

Jury's duty in case the claim is unfounded.

3. SEC. III. When the defendant does not reside in this State the original proceedings under this bill may be by attachment, as in other cases.

4. SEC. IV. The passage of this bill shall be deemed and taken to be notice to all the world of the claim of the State to any money or property liable under the same, now held or owned by any person who has held an office or any position under the State or the Western and Atlantic Railroad, since July 1st, 1866, or may be now or hereafter in such position.

5. SEC. V. All suits under this bill shall be begun within one year after its passage.

6. SEC. VI. The Solicitor General prosecuting in all such suits shall be entitled to the same fees on all sums actually collected as in other cases, but in no other way, and to no other person shall the State in any event become liable for fees, costs and expenses.

7. SEC. VII. All property other than money recovered under this Act, shall be sold under the judgment and the net proceeds paid into the Treasury.

8. SEC. VIII. In suing out the attachment above provided for it shall be sufficient if the affiant swears to the affidavit upon the best of his information and belief.

9. SEC. IX. If any informer shall bring any suit under this Act, upon the defendant filing his or her affidavit in the clerk's office, swearing that he or she honestly believes that he or she has a legal and *bona fide* title to said property, it shall be the duty of the informer, upon notice of the filing of said affidavit, and within ten days from said notice, to give good bond and security payable to the defendant, which bond shall be filed in the clerk's office for all costs and damages which may be incurred or sustained by the defendant in consequence of bringing such case, and on failure of said informer to file said bond as aforesaid, it shall be the duty of the Court, on motion, to dismiss said case; and if at any time during the pendency of said suit, the security on the bond shall become insufficient to secure the defendant against said costs and damages, it shall be the duty of the Court to require the informer to give other security, and on failure to do so the case shall be dismissed; and it shall be the duty of the jury trying any case under this Act, if they find for the defendant, to inquire whether or not the claim or information upon which said suit was brought was false and unfounded, and if the jury shall find the claim false or unfounded, it shall be their duty to find the amount of said damages, and the defendant shall be permitted to enter up judgment against the informer, and his securities on said bond for the amount so found, which judgment shall be lawful and valid to all intents and purposes, and may be levied upon

Suits to be in the name of the State.

the property of the informer or his securities, or both, as other judgments.

10. SEC. X. All the proceedings under this Act shall be in the name of the State of Georgia, but shall state also the name of the prosecutor or informer, so as to fix his liability for costs, and shall state the grounds upon which the suit is founded and a recovery is claimed, as in other suits, and the party at whose instance a suit is begun, shall not be obliged to prove the consent of the Attorney General or Governor to begin or prosecute such suit.

Suits to be in name of the State.

11. SEC. XI. No suit begun under this Act shall be in any manner settled, or compromised, or dismissed without the consent and written order of the Judge entered on the minutes, and whenever any person after having begun or instituted, or caused to be begun or instituted any such suit, shall presume to settle or compromise the same, or make any agreement for the non-prosecution of the same without such order of the Judge, such person shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the Penitentiary for a term not less than one nor longer than five years, but no such attempted settlement or compromise of such case without the order of the Court as aforesaid, shall be valid, or so operate as to take the case out of Court, and the same shall be prosecuted by the State's counsel, with any new informer who may appear, or without an informer to a final trial of the cause on its merits.

No suit to be discontinued unless with consent of Judge.

Persons compromising to be guilty of felony.

12. SEC. XII. The form of the remedy given by this Act is directory only, and the proceedings under the same shall be amendable as in other cases.

Proceedings amendable

SEC. XIII. Repeals conflicting laws.

Approved December 15th, 1871.

No. LXXXIX.—(O No. 195.)

An Act to abolish the offices in the Western and Atlantic Railroad, and for other purposes.

13. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia,* That all laws and resolutions continuing in existence any officer of the Western and Atlantic Railroad, as an officer of this State, be, and the same are hereby repealed.

All laws continuing officers in office repealed.

14. SEC. II. That no salary, money or emolument claimed by such officer shall be paid by the Treasurer of said State, or any other officer of said State whose duty it is, or may be, to disburse the funds of said State, until the claim for compensation is allowed, in some mode to be provided by the General Assembly.

No salary to be paid until claim for it is allowed.

SEC. 3. Repeals conflicting laws.

Approved December 14th, 1871.

PART II.

LOCAL AND PRIVATE LAWS.

TITLE I.—CITIES AND TOWNS.

“ **II.—CORPORATIONS.**

“ **III.—COUNTIES—BONDS AND TAXES.**

Part II.—LOCAL AND PRIVATE LAWS.

TITLE I.

CITIES AND TOWNS.

ACWORTH.

SECTION.

1. Charter amended.
2. Clerk to issue executions for penalties. Marshal to execute.
3. Licenses to liquor dealers.

ATLANTA.

4. Law of October 25, 1870, repealed.
5. 9th section of Act of September, 23, 1871, amended.
6. 21st section of same Act amended.
7. Vacancies in board—how filled.

BARNESVILLE.

8. Marshal and other officers to be appointed by Mayor and Council.
9. Mayor and Council to regulate streets.
10. To establish a market.
11. May regulate slaughter-pens.
12. May inspect chimneys, etc.
13. May regulate and license liquor dealers.
14. Former licenses declared valid.
15. May license auctioneers, etc.
16. May make rules as to burying grounds.
17. May levy necessary taxes.
18. May levy capitation tax.
19. Property owners to make returns.
20. Mayor and Council to appoint appraisers.
21. May try offenders against ordinances.
22. Time of holding elections, and by whom held.
23. Qualifications of voters.
24. Mayor and Council may inflict penalties.
25. Tax ten pin alleys, etc.

SECTION.

26. Subscribe to stock in railroads, and levy tax therefor.
27. May license peddlers.
28. Persons failing to make returns.
29. Corporate limits.
30. Tax for expenses of 1871.

BOSTON.

31. Commissioners to levy poll tax.
32. President of board to hold police Court.

CALHOUN.

33. Town Council to subscribe for stock of North Georgia and North Carolina Railroad.
34. May levy tax to pay assessment.
35. May license liquor dealers, and tax property, real and personal.
36. Persons failing to pay license tax, proceedings against.
37. Defaulters not eligible as Councilmen.
38. Council may levy extra tax for fire engines, etc.
39. Proceeding against defaulters.
40. Board of Assessment to be appointed. Their duties.
41. Marshal, his salary, to take oath.
42. Chairman and his duties.
43. Marshal's perquisites.
44. Powers of Council in relation to streets.
45. Dealers in intoxicating liquors to be taxed.

CAVE SPRING.

46. Corporate limits.
47. Election for Town Council. General powers. Term of office.

Clarkesville—Columbus—Colquitt—Cuthbert—Dalton—Decatur, etc.

SECTION.

48. Organization and powers.
49. May levy taxes.
50. License to sell ardent spirits. Penalty for selling without license.
51. Persons selling ardent spirits for medical or sacramental purposes, to obtain license.
52. Not to be granted without recommendation of sundry boards.
53. Persons violating, how punished.
54. Not to interfere with privileges of Hearn Manual Labor School.

CLARKESVILLE.

55. Town Council to elect Intendant, and other officers.
56. Farther amendments and provisions.
57. Council may use county jail to confine offenders.
58. Authority to assess tax to be decided by an election.

COLUMBUS.

59. Act of 1866 amended. Election of all officers may be by general or ward system. Public notice to be given of changes made.

COLQUITT.

60. Incorporated. Powers of corporation.
61. Commissioners appointed.
62. Term of office. Election provided for.
63. Jurisdiction of commissioners.
64. Power of taxation.
65. Of appointments.
66. May enforce payment of taxes.
67. May enact Ordinances.
68. Persons subject to road duty.
69. President to be chosen.
70. Secretary and Treasurer.
71. Persons exempt from road duty.

CUTHBERT.

72. The Mayor and Council may issue bonds—amount, \$5,000. Purpose; how signed.
73. Tax may be levied to pay principal and interest.

DALTON.

74. The Mayor and Council may issue bonds. Purpose.
75. How signed. Proceeds, how disposed of.
76. Bonds free from taxation.

SECTION.

77. Mayor and Council to purchase site for machine shops for Selma, Rome & Dalton Railroad, and donate to company.
78. Tax to be levied to pay for site.

DECATUR.

79. Corporate limits extended.
80. Commissioners to levy tax.
81. Marshal's salary.
82. Persons subject to road duty.
83. Commissioners to regulate sale of spirituous liquors.

DORAVILLE.

84. Incorporated. Commissioners.
85. Providing for an election.
86. Town limits.
87. Chairman and other officers.
88. Commissioners to take oath.
89. Quorum and powers.

EASTMAN.

90. Incorporated. Name and general powers.
91. Corporate limits.
92. Mayor and Aldermen, when elected, term of office, qualification of voters.
93. Who may hold election.
94. Oath of Mayor, etc.
95. Marshal and other officers.
96. Penalty for malpractice.
97. Streets, who shall work.
98. Salaries.
99. Quorum. Mayor and Aldermen to have powers of Justices of the Peace.
100. Expenses, how paid.
101. Ordinances and By-Laws.
102. Mayor and Aldermen may try and punish offenders.
103. Compensation of Mayor and other officers.
104. Licenses.
105. Tax on billiard tables, etc.
106. Power of taxation.
107. Tax returns, failure to make returns. Collection of defaulter's taxes.
108. Farther powers of Mayor and Aldermen.
109. Stray cattle to be impounded.
110. Mayor and Aldermen may issue subpoenas, etc.
111. Proceedings in case of failure to elect. Vacancy, how filled.
112. Streets and alleys. If Assessors cannot agree.
113. Claims to property under levy.

Franklin—Hawkinsville—Indian Springs—LaGrange, etc.

SECTION.

114. When Act takes effect.

115. Act of 1870 repealed.

FRANKLIN.

116. Certain persons constituted Commissioners.

117. Providing for an election of Commissioners.

118. Council to elect presiding officer, Treasurer and Marshal.

119. President to be *ex officio* Justice of the Peace.

120. Corporate limits.

121. Academy lot and Commons.

122. Powers of Board. Majority to constitute a quorum

123. Board to enforce ordinances by fines

HAWKINSVILLE.

124. Section of Act of October 28th, 1870, amended. Licenses to retail spirituous liquors.

INDIAN SPRINGS.

125. Subscription to Griffin, Madison & Monticello Railroad, legalized.

LAGRANGE.

126. Mayor and Council to issue bonds for \$25,000.

127. Proceeds to be invested in stock of North and South Railroad.

128. Provision to be made for payment of principal and interest when due. Stock bound for payment.

129. How Railroad Company shall use bonds or proceeds.

130. Bonds and coupons, how signed and issued.

131. Mayor and Council may issue additional bonds for use of any other road.

132. To be issued on same conditions.

133. Mayor and Council may levy tax.

LAWTONVILLE.

134. Incorporated. Town limits.

135. Commissioners.

136. First Commissioners named.

137. Election provided for. Qualification of voters. Who to hold election.

138. President to be appointed, and other officers.

139. Powers of Commissioners.

140. Fines, etc., how collected.

141. President of Board *ex officio* Justice of Peace.

MADISON.

SECTION.

142. Treasurer to give bond.

143. Subscription to Griffin, Madison and Monticello Railroad, legalized.

MACON.

144. Providing for election of Mayor, Aldermen and other officers.

145. Qualification of voters. Poll tax not required.

146. Managers of election to be appointed.

147. Oath of challenged persons. Penalty for illegal voting.

148. Highest number of votes to elect.

149. Chief of Police to be elected by Mayor and Aldermen. To give bond. How dismissed. Resignation.

150. Other officers of police, how appointed and removed.

151. Mayor and Council to pass ordinances. Power of police in making arrests.

152. City Sexton to be elected.

153. Mayor and Council may elect other officers.

154. Clerk and Treasurer to give bond.

155. Mayor and Council to prescribe fees.

156. To license sales at market.

157. To levy and collect taxes.

158. To issue licenses.

159. May issue bonds to pay present debt. To levy tax to meet liabilities.

160. What bonds are legal, and none other to be issued. No change bills to be issued.

161. Mayor and Council to make rules respecting streets.

162. Jurisdiction of Mayor's Court.

163. Laws repealed.

164. Other sections repealed of Act of March 24, 1866.

165. Repealing other sections of Act of September 8th, 1870.

MORGAN.

166. Limits enlarged. Morgan Camp ground.

167. Commissioners to grant liquor licenses and levy taxes.

MONTEZUMA.

168. Incorporated. Name and general powers of corporation.

169. Substitute for section of Act of 1870.

Preston—Resaca—Rome—Rutledge, etc.

SECTION.

- 170. Providing for election.
- 171. Qualification of voters.
- 172. Election, how held.
- 173. Highest vote to determine election.
- 174. Vacancies, how filled.
- 175. Mayor and Aldermen elect. Oath of Mayor, etc.
- 176. Trial of Mayor for neglect. Penalty.
- 177. Qualification of Mayor, etc.
- 178. Mayor and Council may elect Marshal out other officers.
- 179. Mayor may indict penalties and fines.
- 180. Mayor's Court.
- 181. Powers of Mayor and Council.
- 182. Auctioneers, etc., to be licensed.
- 183. As to liquor dealers.
- 184. Shows and theatres.
- 185. Protection against fire.
- 186. Board of health.
- 187. Drainage, etc., of lots.
- 188. Stray cattle, to be impounded.
- 189. Town guard to be established.
- 190. Marshal to prosecute offenders.
- 191. Tax returns.
- 192. Tax to be levied.
- 193. Who to work streets.
- 194. Powers to lay out streets.
- 195. Mayor *pro tem*.

PRESTON.

- 196. Words erased in Act incorporating.

RESACA.

- 197. Incorporated. Limits of corporation. Election of Commissioners, etc.
- 198. Clerk and Marshal.
- 199. Officers to take oath.
- 200. Powers of Commissioners.
- 201. Commissioners may make laws.
- 202. Power of taxation over shows, etc.
- 203. May dismiss Marshal.

ROME.

- 204. Act of 1870 amended. Amending clause.
- 205. Provision amended Act to be of force, as to subscription to N. & S. Railroad.

RUTLEDGE.

SECTION.

- 206. Incorporated. Commissioners appointed. Corporate name.
- 207. Elections, when held. Term of service.
- 208. Town limits.
- 209. Chairman and other officers to be elected.
- 210. Quorum and powers.
- 211. Commissioners to take oath.

SAVANNAH.

- 212. Persons assuming, illegally, the duties of constable, how punished.

SHARPSBURG.

- 213. Incorporated. Commissioners appointed.
- 214. Corporate limits.
- 215. Election, when held. Qualification of voters.
- 216. President to be appointed, and other officers.
- 217. Time of meeting. Powers.
- 218. Officers to give bond.

SPARTA.

- 219. Commissioners to regulate sale of liquor. Dealers to procure license.

TILTON.

- 220. Incorporated. Commissioners appointed.
- 221. Limits of town.
- 222. Commissioner's term of office.
- 223. President and other officers.
- 224. Time of sessions of board.
- 225. Tax on liquor dealers.
- 226. Officers to give bond.

WHITNEY.

- 227. Incorporated. Town limits.
- 228. First commissioner.
- 229. Providing for election.
- 230. Election, how held.
- 231. Powers of commissioner.
- 232. License to sell ardent spirits.

To amend the charter of the town of Acworth—Repealing a certain Act.

No. LC.—(O. No. 75.)

An Act to amend the Charter of the Town of Acworth in the county of Cobb, and for other purposes.

1. SECTION. I. *The General Assembly enacts as follows:* That from and after the passage of this Act, the charter of the town of Acworth in the county of Cobb, be so amended as to authorize the president of the board of commissioners for the government of said corporation to hold, by himself, police courts for the trial of parties charged with violations of the ordinances of the town, and to impose the penalties fixed therein for violations of the same, subject to appeal to the commissioners under the regulations prescribed by the by-laws of the corporation for that purpose. Charter amended.
President of Board to hold police courts.

2. SEC. II. That the president and commissioners of said town, shall have authority to order the clerk of said corporation to issue executions for all penalties imposed for non-payment of taxes and against defaulting officers of said corporations and their securities, which shall be executed by the marshal of said corporation, under the rules governing constables in similar service in this State, and shall be subject to rule before the president and commissioners in the same manner as such constables are now ruled in the several Courts of this State. Clerk shall issue executions for penalties.
Marshal to execute.

3. SEC. III. That the sixth section of the original Act incorporating said town of Acworth, be so amended as to authorize the president and commissioners to charge for licenses to retail liquor dealers, two hundred dollars, if they deem it advantageous to the government of said town. Licenses to liquor dealers.

SEC. IV. Repeals conflicting laws.

Approved December 12th, 1871.

No. LCI.—(O No. 1.)

An Act to repeal an Act entitled an Act to make it lawful for the legal voters of the city of Atlanta to vote for Mayor, in any one of the wards in said city. Provided no person shall vote but one time, at the same election, and to prevent any person from voting for Councilmen for any other ward than the one in which he actually resides at the time of voting. Assented to October 25th, 1870.

4. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That the above recited Act, be, and the same is hereby repealed, Repeal.
Approved November, 10th, 1870.

To repeal an Act concerning water works.

No. LCII.—(O No. 141.)

An Act to amend an Act entitled an Act to authorize the Mayor and Council of the City of Atlanta to provide for the introduction of water works in said city, and for other purposes. Approved September 23d, 1870.

5. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same,* That the ninth section of the above recited Act be amended by striking out the word, "*annually*" where it occurs in said section after the word paid, and inserting in lieu thereof, the word *semi-annually*, so that the same shall read—the interest on which shall be paid semi-annually—and that the said ninth section be further amended by adding the following clause: That the Mayor and Treasurer of the city of Atlanta shall sign and seal said Atlanta water bonds, and the coupons thereto attached; the president of the board shall countersign the same.

Section 9
amended.

Further
amended.

6. SEC. II. That section twenty-one of the above recited Act be amended by striking out all of said section after the words "*while so employed,*" and adding this clause, also to employ such other laborers and clerks as may from time to time be found needful, and fix their compensation.

Section 21
amended.

7. SEC. III. That the two vacancies now existing in said board of water commissioners by the creation of two new wards be filled by the Mayor and Council of said city, on the second Monday in January, 1872, so as to give a member of said board for each of said new wards until the regular election, and that thereafter when a vacancy occurs in said board, whether by death, resignation, or the creation of a new ward, or otherwise, the same shall be filled by said Mayor and Council. *Provided*, that no bonds shall be signed or issued under this Act, or the Act of which it is amendatory, until said vacancies have been filled as aforesaid, and until so directed by said Mayor and Council.

Vacancies
in Board—
how filled.

Proviso.

SEC. IV. Repeals conflicting laws.

Approved, December 13, 1871.

NOTE.—The Act of September 23d, 1870, provided for the issue of bonds to the amount of \$500,000 00 to be known as "Atlanta Water Bonds," bearing 7 per cent. interest payable *annually*. By this Act the interest is to be paid *semi-annually*; the present Act also prescribes who shall execute the bonds; this Act also places the appointment and compensation of all subordinates in the hands of the board, which were in the control of the engineer.

Additional powers conferred on the corporate authorities of Barnesville.

No. LCIII.—(O No. 58.)

An Act to confer additional powers upon the corporate authorities of the Town of Barnesville, in the County of Pike.

8. SECTION I. *Be it enacted by the General Assembly of Georgia,* That the Mayor and Council of said town shall immediately after their installation into office, proceed to appoint a marshal, and clerk, and treasurer, and such other officers as, in their judgment, it may be deemed necessary. Marshal and other officers to be appointed by the Mayor and Council.

9. SEC. II. That said Mayor and Council shall have power to regulate the width of streets within their incorporate limits, to lay out new streets and to discontinue old ones when in their judgment it may become necessary, and for this purpose may appropriate private property, after first paying just compensation therefor. Mayor and Council to regulate streets.

10. SEC. III. That said Mayor and Council shall have power to establish a market within the limits of said town, and to make all needful rules and regulations in reference thereto, and shall have power to discontinue the same, when, in their judgment, the same may become a nuisance. Establish a market.

11. SEC. IV. That said Mayor and Council shall have power to make all needful rules and regulations with reference to slaughter-pens within the limits of said town, and to require the same to be removed whenever, in their judgment, the same may become a nuisance to any citizen, or citizens, of said town. To regulate slaughter pens.

12. SEC. V. That said Mayor and Council shall power to move all nuisances within the limits of said town, to inspect all stove-pipes, chimneys and blacksmith's forges within the limits of said town, and shall have power to force parties by penal ordinances to keep the same in such condition as not to endanger the town by fire. To inspect chimneys, etc.

13. SEC. VI. That said Mayor and Council shall have exclusive control over the traffic in ardent spirits within the limits of said town, and shall have power to regulate the sale of the same, and to issue licenses to retail dealers in the same upon such terms as they may prescribe, and to declare by ordinance who shall be considered retail dealers within the incorporate limits of said town. To regulate and license liquor dealers.

14. SEC. VII. That all licenses heretofore issued by the corporate authorities of said town to retail dealers of liquors are hereby declared to be valid, and all ordinances passed by the corporate authorities of said town regulating the sale of ardent spirits within the corporate limits of said town are declared to be valid. Former licenses and ordinances declared valid.

15. SEC. VIII. That said Mayor and Council shall have power to license all auctioneers, vendue masters, and shows or exhibitions of any kind, in which admittance fees are charged, upon such terms as may be prescribed by the ordinances of said town. To license auctioneers, etc.

16. SEC. IX. That the Mayor and Council shall have power to make all needful rules and regulations with reference to buying (bu-

To make rules, levy taxes, etc.

To make rules as to burying grounds.

rying) grounds within the incorporate limits of said town, and to pass such laws as may be necessary for their protection, and shall, also, have power to make all needful rules and regulations for the protection of all public property within the limits of said town.

May levy necessary taxes.

17. SEC. X. That said Mayor and Council shall have power to levy such tax, as in their judgment shall be deemed necessary, upon all property, both real and personal, within the limits of said town, *provided*, such tax shall not exceed one per centum.

May levy poll tax of \$3 00.

18. SEC. XI. That said Mayor and Council shall have power to levy a capitation tax not to exceed three dollars upon every individual within the corporate limits of said town, who shall be subject to road duty, and shall have power to collect the same by execution, or may, at their discretion, upon the refusal of any party subject to pay the same, to require such party to labor on the streets of said town, not exceeding six days under the superintendence of the marshal.

Property owners to make returns.

19. SEC. XII. That all persons owning property within the corporate limits of said town, subject to taxation, shall, on or before the 1st day of July, in each and every year, make a return of all such property to the clerk and treasurer of said town.

Mayor and Council to appoint appraisers.

20. SEC. XIII. That said Mayor and Council shall have power to appoint three discreet persons, citizens of said town, as appraisers, who shall affix the value of all property returned by the tax payers of said town, as required by the foregoing section.

May try offenders against ordinances

21. SEC. XIV. That all trials for offenses against the ordinances of said town shall be by the Mayor of said town, and in case of the absence of the Mayor of said town, by the Mayor *pro tem.*, and in case of the absence, or from any other cause, the Mayor nor Mayor *pro tem.*, can not, any three members of the Council may preside.

Time of holding elections, and by whom held.

22. SEC. XV. That the hours for holding elections within the corporate limits of said town, (or) for any officer of said town, or for any other purpose, shall be from eight, A. M., to six o'clock, P. M., and that, at all such elections, one Justice of the Peace and two freeholders shall preside, and in case any Justice of the Peace shall fail to appear and open the polls of said election by the hour of eight, A. M., three freeholders of said town may preside, and may administer the oath prescribed for (managers) Mayor's and Alderman elections, in this State, to each other.

Qualificat'n of voters.

23. SEC. XVI. That all persons who are qualified to vote for members of the General Assembly of this State, and may have resided thirty days in said town, next preceding any election, and that have paid all taxes due said town, and which they have had an opportunity to pay, shall be entitled to vote at said election.

Mayor and Council may inflict penalties.

24. SEC. XVII. That said Mayor and Council shall have power to punish, for the violation of the ordinances of said town, by fine, not to exceed fifty dollars, or imprisonment, not to exceed thirty days, or both.

25. SEC. XVIII. That said Mayor and Council shall have power

To amend an Act incorporating the town of Boston.

to levy such tax as they may deem necessary upon all ten pin alleys and billiard tables kept for public play within the incorporate limits of said town, and shall have exclusive right to issue license for the same upon such terms as they may prescribe. May tax ten-pin alleys, etc.

26. SEC. XIX. That said Mayor and Council shall have power, by the consent of the qualified voters of said town, to subscribe for stock in railroads, or other internal improvements; to borrow money on the credit of said town, and to levy a special tax, not exceeding one-half of one per cent., to pay indebtedness thus incurred. May take stock in railroads, etc., and levy tax to pay same.

27. SEC. XX. That said Mayor and Council shall have full power and the exclusive right of issuing license to persons peddling any goods, wares or merchandise within the limits of said town, upon such terms as they may prescribe: *Provided*, that such license shall not be less than that which may be required by the State or county for similar licenses. To license peddlers. Proviso.

28. SEC. XXI. That in case any tax payer who may own property within the limits of said town, subject to taxation under this Act, who shall fail to make return of the same, as required by this Act, the commissioners appointed to assess the value of said property, and such party shall be liable to pay double tax on such property, and on failure or refusal to pay the same, within the time allowed by law, and the ordinances of said town, the clerk and treasurer shall proceed to issue executions against such delinquent tax payer for double the amount of such tax, and the marshal shall proceed to collect the same by levy and sale. Persons failing to make returns to be double taxed.

29. SEC. XXII. That the corporate limits of said town shall extend one mile, in every direction, from the store house now occupied by Stafford, Blalock & Company, instead of one-half mile, as now provided by law. Limits.

30. SEC. XXIII. That said Mayor and Council shall have power to levy such tax as, in their judgment, may be deemed necessary, upon all the property within said corporate limits, to defray the expenses of said town for the year 1871, and, after giving ten days' notice, to proceed to collect the same, under the same rules and regulations as are now prescribed by law for the collection of State and county taxes: *Provided*, that said tax shall not exceed one per centum. Tax may be levied to pay expenses for 1871. Proviso.

SEC. XXIV. Repeals conflicting laws.

Approved December 11th, 1871.

No. LCIV.—(O No. 85.)

An Act to amend an Act incorporating the Town of Boston, Thomas county, approved October 24th, 1870, and for other purposes.

31. SECTION I. *The General Assembly of the State of Georgia do enact*, That section four of the above Act is amended so that the Commissioners of Boston are authorized to levy a capitation tax

Aid to the North Georgia and North Carolina Railroad.

Capitation of four dollars on all persons liable to road duty, instead of two dollars, as now provided.

32. SEC. II. That the President of the Board of Commissioners may hold a Police Court for the trial and punishment of all violators of the town ordinances, by-laws, rules and regulations, and shall be allowed the same fees as a Justice of the Peace in Court of inquiry.

SEC. III. Repeals conflicting laws.

Approved December 12th, 1871.

No. LCV.—(O No. 43.)

An Act to authorize the Town Council of the Town of Calhoun to aid in the construction of the North Georgia and North Carolina Railroad.

Preamble. WHEREAS, The qualified voters of the town of Calhoun, did, almost unanimously vote at an election on the 10th day of October, 1871, held by the authority of the Town Council of said town, in favor of said Council subscribing twenty-five thousand dollars to the capital stock of the North Georgia and North Carolina Railroad Company, or any other less amount, as they might, in their discretion, think proper. Therefore,

33. SECTION. I. *The General Assembly of the State of Georgia do enact*, That the Town Council of the town of Calhoun may subscribe to the capital stock of the North Georgia and North Carolina Railroad Company, such sum as they may think proper, not to exceed twenty-five thousand dollars.

34. SEC. II. That said Council may, from time to time, assess, levy and collect, in such way and manner as they may deem best, on all property, real and personal, held and owned within the corporate limits of said town, a special tax to meet the assessment made from time to time upon their subscribed stock by the Directors of the North Georgia and North Carolina Railroad Company. said tax to be estimated in such manner as said Town Council may deem advisable; they may prescribe the time and mode of assessing, levying and collecting the same, and may fix and enforce such penalties as they may deem proper for any failure to make returns, either wholly, or in part, and also for making return of property below its value.

SEC. III. Repeals conflicting laws.

Approved December 9th, 1871.

To alter, etc., the Acts incorporating the town of Calhoun.

No. LCVI.—(O No. 84.)

An Act to amend and alter and add to the several Acts incorporating the Town of Calhoun.

35. SECTION I. *The General Assembly of the State of Georgia do enact*, That the Town Council of the town of Calhoun shall have power and authority to fix the amount to be paid by any person or persons for license to retail spirituous and malt liquors: *Provided*, said amount shall not exceed two hundred and fifty dollars per annum, and the amount paid for such license in said town shall be paid into the treasury of said town for the benefit thereof, and said Town Council shall have power and authority to levy and collect such tax, on all real and personal property within the corporate limits of said town, as they may think proper: *Provided*, that the tax on the value of the real and personal property in said town shall not exceed one half of one per cent.

Council to license retail liquor dealers.

May tax property, real and personal.

Proviso.

36. SEC. II. That if any person or persons shall fail or refuse to comply with the provisions of the ordinances of said town, fixing the fee for and regulating the granting of licenses to retail spirituous and malt liquors within said town, said Town Council shall have power and authority to levy and have and collect a fine, not exceeding ten dollars, for each day any person or persons shall sell any spirituous or malt liquors within the corporate limits of said town without complying with the said ordinance regulating the same.

Persons failing to pay for license—proceedings against.

37. SEC. III. That no person shall be eligible to the office of councilman of said town, or to vote for councilman, who has not paid all taxes and fines required of him by the authorities of said town, during the time he has resided within the corporate limits of said town, and done all the work on the streets in said town that may have been required of him.

Defaulters not eligible as Councilmen.

38. SEC. IV. That said board of councilmen shall have power to levy and collect an extra tax, in addition to the taxes hereinbefore provided, whenever they may deem it necessary, to purchase a fire engine, hose, pump, and all the necessary appurtenances.

Council may levy extra tax to procure fire engine, etc.

39. SEC. V. That any person liable to the performance of road duty under the laws governing the same, who shall fail to pay the tax imposed by said councilmen, for the purpose of working or improving the streets of said town, shall be required to work on the streets of said town in the same manner, and under the same penalties as provided for by law for working the public roads, and any fines collected from such defaulters failing to perform such street work shall be applied to the improvement of the streets of said town, the amount of tax to be paid by each citizen, as aforesaid, in lieu of work, shall be in the discretion of the Town Council, not to exceed ten dollars per annum.

Proceeding against defaulters.

40. SEC. VI. That, for the purpose of collecting the tax, as provided for in the first section of this Act, it shall be the duty of the

Divers regulations

Board of
assessment
to be ap-
pointed—
duty of.

Council to appoint three of their number, who shall constitute a board, whose duty it shall be to appoint one or more days, at their discretion, during the year, upon which all the tax payers of said town shall appear before them and give in their taxable property, subject to such correction as said board shall think proper to make, under all of the evidence that they may have with reference to its valuation, and according to their judgment, which valuation shall be the basis of assessment. For the purposes of carrying out this provision, it shall be the duty of the secretary and treasurer to notify the tax payers by the publication of the day or days set apart for the same, and the Town Council, through their secretary and treasurer and marshal, shall have power to force a compliance with this law, according to the laws governing the collection of taxes for the State of Georgia, the marshal acting as the ministerial officer in the collection of said taxes.

Marshal—
his salary
—to take
oath.

41. SEC. VII. That the Town Council shall at their first meeting after election and qualification, elect a marshal for said town, whose term of office shall continue for one year, subject to the laws now in force as to qualification, whose salary shall be in the discretion of the Council, but not to exceed five hundred dollars, and he shall take the oath of office now prescribed by law for the marshal of said town.

Chairman,
and his
duties.

42. SEC. VIII. That it shall be the duty of the Council to elect a member of their board chairman, whose duty it shall be to preside over the deliberations of their body, and to sit alone and adjudicate all cases of violations of the ordinances of said town, and to pronounce judgment on the party having violated the same, *provided*, however, the parties so sentenced shall have the right of appeal to the whole board, if he is dissatisfied with the decision of the chairman, by notifying the chairman, instant, of his desire so to do, upon which, the chairman shall call the whole board together and readjudicate the case.

Marshal's
perquisites

43. SEC. IX. That the Town Council may allow the marshal such perquisites as they may think proper in the nature of cost.

Powers of
Council in
relation to
streets.

44. SEC. X. That said Council shall have full power and authority to lay out and to open new streets in any part of said town, and to abolish or alter any street already laid out, or that may be laid out; and, any street that may be discontinued may be sold by them; and whenever said Council shall deem it expedient to lay out and open, or to widen, or alter an old street, they shall apply to the owner of the land to be affected, or the agent of said owner, and if said owner or agent shall withhold his assent, then said streets may be open, widened or altered in the manner prescribed by law for laying out and altering public roads after the same have been reported on by road commissioners, except that the Council of said town shall act in the place of the ordinary, and the marshal shall act in the place of the sheriff, and no publication of any notice in a newspaper or otherwise shall be necessary.

Consolidating the several Acts incorporating the village of Cave Springs.

45. SEC. XI. That the Town Council of said town shall have full power and authority to tax all persons who sell intoxicating liquors within the corporate limits of said town in quantities of one quart, and all other quantities less than five gallons and more than one quart, in a sum not less than twenty-five dollars and not more than one hundred dollars per annum. Dealers in intoxicat'g liquors may be taxed.

SEC. XII. Repeals conflicting laws.

Approved December 12th, 1871.

No. LCVII.—(O No. 159.)

An Act to amend and reduce into one the several Acts and amendments thereto, incorporating the village of Cave Spring, in the county of Floyd.

46. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the corporate limits of the village of Cave Spring, in the county of Floyd, shall extend three-fourths of a mile in every direction from the brick store, now owned by James M. Walker, John M. Carroll, A. J. Pinson and J. T. Dozier. Corporate limits.

47. SEC. II. That on the first Saturday in January of each year all citizens of said village within the above limits, entitled to vote for members of the Legislature, shall elect by ballot, five councilmen who shall be known under the name and style of the Town Council of Cave Spring, and as a body corporate shall sue and be sued, shall purchase, sell, hold and receive by donation, any real or personal property, and shall exercise all other rights and privileges usually incident to corporate bodies of like character, one Justice of the Peace and one freeholder, or two members of the old Council shall be competent to hold said election, and if it shall so happen that said election shall not take place on the day above mentioned, the same parties may, by giving ten days' notice, hold the same, and in case of the death, removal, or resignation of any councilman, those remaining shall immediately order an election by giving ten days' notice. The term of office of the Council shall be one year or until successors are elected. Elections for Town Council.
General powers.
Term of office.

48. SEC. III. That before entering upon the discharge of duty, these five councilmen shall be sworn in by any officer competent to administer oaths, after which they shall organize by electing a Chairman, and Secretary, who shall also be treasurer of their own number, and by appointing a marshal. When duly organized they shall have power to make such ordinances, rules and regulations, and impose such penalties and fines as may be necessary for the protection, welfare and good order of the inhabitants of said village. The Chairman of said Council shall be *ex officio* Justice of the Peace, so far as to enable him to issue warrants for offenses committed within the corporate limits, to commit to jail or admit to Organiza'n and powers

bail, offenders for their appearance at the next term of the Superior Court. The secretary and treasurer, and the marshal shall each give bond to the Chairman of the Council, with security in such amounts as the Council may deem sufficient for a faithful discharge of their respective duties.

May levy
taxes.

49. SEC. IV. That the Council shall have power to levy a tax not to exceed forty per cent. upon the State tax, and all property within the corporate limits subject to taxation according to the laws of this State, its value to be assessed by three disinterested citizens appointed by the Council for that purpose, *provided* no tax shall be levied on any property held or used for religious or educational purposes. The Council shall have authority to require all citizens liable to do road duty under the laws of this State, who reside in the limits of said town, to work on the streets of the town six days in each year, or pay in lieu thereof the sum of three dollars each.

License to
sell ardent
spirits,
\$1000.

50. SEC. V. That no person or persons shall be allowed to sell, barter or otherwise traffic in ardent spirits or intoxicating drinks of any kind, or in any quantity within the corporate limits of the village of Cave Spring without first obtaining a license from the Town Council, for which license he or they shall pay, in advance, the sum of one thousand dollars, annually, in cash, and if any person or persons attempt to sell intoxicating drinks of any kind without a license, or to violate the provisions of this section in any other way, he or they shall be fined by the Council twenty-five dollars a day for every day they sell, or be subject to such other penalties as the Council may impose.

Penalty for
selling
without
license.

Persons
selling
ardent
spirits for
medical or
religious
purposes
to obtain
license.

51. SEC. VI. That if any person or persons desire to sell ardent spirits or intoxicating drinks of any kind for medicinal or sacramental purposes, they shall first obtain a license so to do from the Town Council, subject to such restrictions and limitations as the Council may see fit to impose, and shall give bond and security in the sum of one thousand dollars, for a faithful compliance with the terms and conditions of said license.

Not grant-
ed without
recommen-
dation of
sundry
boards.

52. SEC. VII. That it shall not be lawful for the Town Council to issue a license of any kind to the applicant, unless upon the recommendation of the several boards of trustees of the Georgia Institution for the Deaf and Dumb, the Hearn Manual Labor School, and the Cherokee Wesleyan Institute, or a majority of them, and if these several boards, or a majority of any one of them, shall determine that the party holding a license is not complying with the spirit and intent of the law, they shall have power to revoke said recommendation, in which case said license shall be null and void.

Persons vi-
olating this
Act—how
punished.

53. SEC. VIII. That if any person or persons shall attempt to sell intoxicating drinks for medicinal or sacramental purposes without a license, according to the requirements of section 6, or shall violate or attempt to evade its provisions, in any way, he or they shall be subject to a fine of one thousand dollars for each and every offense, and if the Council shall refuse or fail to require license, according to the

 Amendatory of the Act incorporating the town of Clarksville.

provisions of this Act, or in any way favor or connive at the sale of ardent spirits, without license, they, upon indictment, trial and conviction before the Superior Court, shall be subject to a fine of two thousand dollars, to be collected by the sheriff, the proceeds of which fine are to be equally divided between the Hearn Manual Labor School and Cherokee Wesleyan Institute.

54. SEC. IX. That nothing herein contained shall be so construed as to interfere with the rights and privileges to which the Hearn Manual Labor School may be entitled, under their Act of incorporation, assented to the 21st of December, 1839.

Not to interfere with privileges of Hearn School.

SEC. X. Repeals conflicting laws.

Approved December 14th, 1871.

 No. XCVIII.—(O No. 44.)

An Act to amend an Act entitled an Act to incorporate the Town of Clarksville, in the county of Habersham, to appoint commissioners for the same, and for other purposes, approved September 16, 1870.

55. SECTION I. *The General Assembly do enact*, That the above recited Act be amended by providing, as follows: That, at the same time with the election of members of the Town Council, there shall be elected an Intendant of said town, who shall hold his office for the same period with the councilmen. The members of Council shall appoint a treasurer and marshal, who shall hold until their successors be appointed and qualified. Intendant, marshal and treasurer, each, before entering upon his duties, shall take an oath, faithfully and truly to discharge the duties of his office.

Council to elect Intendant, and appoint other officers.

56. SEC. II. That section 4 of the above recited Act be amended, as follows, by striking out the word "president," in the first line, and inserting "Intendant" in lieu thereof; and that section 6 be amended, as follows, by inserting after the words "keeping up said streets," the following, "also to assess an *ad valorem* tax, from the returns on the County Tax Receiver's books, as will raise the sum of three hundred dollars, and not more, upon the value of all property within the limits of said corporation, that is subject to taxation, under the laws of this State; the sum thus raised to be at the disposal of the Town Council, for payment of its marshal and for all other purposes which, to the judgment of the Council, will promote the good of the town; to place under guard offenders against the town ordinances, and compel them to work on the streets, or to perform such other labor as the ordinances of the town may prescribe." Also, by striking out all of said sixth section, after the words, "keeping up said streets," and inserting the following instead: "The said Council, further, shall have power to pass all ordinances necessary to promote the interest of said town, and to carry all and singular the provisions of this Act, and the Act of which it is amendatory, into complete effect, and the said

Further amendm'ts and provisions.

Amendatory of the charter of the city of Columbus.

Proviso. ordinances shall have the force and effect of laws: *Provided*, the same be not in conflict with the Constitution and laws of the United States, and the Constitution of this State. All the taxes authorized by this Act, and the Act of which it is amendatory, shall be enforced in the same manner as other taxes are enforced, under the laws of this State, the writs of *fi. fa.* issuing in name of the Town Council, and to be levied by the marshal.

Council may use county jail to confine offenders. 57. SEC. III. That the seventh section be amended by adding the following: "They, also, with consent of the Ordinary or board of commissioners of roads and revenue, may use the county jail as a place of confinement of offenders against the ordinances of the town, or without such consent, may provide a proper place for their confinement."

Authority to assess tax decided by election. 58. SEC. IV. That it is further provided, that the authority of the Town Council to assess a tax, as provided for in this amendatory Act, shall not obtain until a majority of the legally qualified voters of the town shall declare therefor, at a regular election of Intendant and councilmen; the ballots to have upon them, in addition to the names of the persons voted for, "taxation," or "no taxation."

SEC. V. Repeals conflicting laws.

Approved December 9th, 1871.

No. XCIX.—(O No. 68.)

An Act to alter and amend an Act entitled an Act to amend and alter the Charter of the City of Columbus, approved 8th March, 1866.

Amendm't in reference to city elections. 59. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act the fifth section of an Act entitled "an Act to amend and alter the charter of the city of Columbus," approved March 8th, 1866, be so altered and amended as to read as follows: "That all elections for Mayor, Aldermen, Marshal, Deputy Marshal, Clerk of Council, and Sexton, and such other of the officers of said city as now are, or hereafter may be, elected by the citizens of said city, may be, either by the general system at the Court-house, or in the various wards, or by the ward system in the different wards, as the said Mayor and Council may order and direct: *Provided*, That all of said officers shall be elected at the same time and in the same manner; and, *provided*, that whenever the Mayor and Council desire to change the system of such elections, notice of the change and of the manner of holding the elections shall be given in the public prints in said city, at least twenty days previous to said election."

Provisos.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

Act to incorporate the town of Colquitt.

No. C.—(O No. 24.)

An Act to incorporate the Town of Colquitt, and provide for the election of Commissioners of the same.

60. SECTION I. *The General Assembly enacts as follows,* That from and after the passage of this Act, the present inhabitants of the town of Colquitt, in the county of Miller, of this State, and their successors be, and they are hereby incorporated by the name and style of the Town of Colquitt, by that name may sue and be sued, may hold and purchase property, both real and personal, necessary for the government and well being of said town, and shall have the powers and privileges usually possessed and exercised by town corporations in this State. Incorporated.
Powers of the corporation.

61. SEC. II. That from and after the passage of this Act, B. J. Head, J. V. Heard, W. J. Painter, J. S. Bush, and V. B. Baughn, are hereby appointed commissioners of the town of Colquitt, in the county of Miller, with full power to make all by-laws and regulations necessary for the government of said town. Commissioners appointed.

62. SEC. III. That said commissioners shall continue in office until the first Wednesday in January, 1872, on which day, and on the first Wednesday in January in each succeeding year thereafter, all persons entitled to vote for members of the Legislature, shall assemble at some suitable place within the corporate limits of said town, and shall by ballot elect five commissioners, who shall continue in office one year, which election shall be held by two freeholders and one judicial officer: *Provided*, that in the event of there being no election of commissioners at the time herein pointed out, the commissioners then in office shall so continue until their successors are elected, which may be done at any time thereafter by the commissioners giving five days' notice of the time of holding said election. Term of office.
Election provided for.

63. SEC. IV. That the jurisdiction of said commissioners shall extend not more than one thousand yards in every direction from the Court-house in said town of Colquitt, and said commissioners are hereby authorized to act as commissioners of roads and streets in said town to the distance aforesaid, railroads excepted. Jurisdiction of commissioners.

64. SEC. V. That said commissioners shall have power to levy and collect a tax to the amount of not more than the State tax on said property, for the use of said incorporation, upon all objects taxed by the laws of this State, and that said tax when collected in the manner that may be prescribed by said commissioners, shall by them be used for the benefit of said town. Power of taxation.

65. SEC. VI. That said commissioners shall have power to appoint a marshal and regulate his duty, to appoint patrols and regulate their duty, also to appoint overseers of the streets and regulate the manner of working the same. Power of appointment.

66. SEC. VII. That said commissioners shall have power to tax

Mayor and Council of Cuthbert may issue bonds.

all shows, of any description, performing in said town for the purpose of gain, all itinerant traders, and they shall have power to force the collection of taxes, fines, and penalties in such manner as they shall see proper.

67. SEC. VIII. That said commissioners and their successors, or a majority of them, for the time being, may make all such ordinances as they may deem proper for the good government and well being of said town; shall elect an Intendant from their body, appoint a marshal and such other officers as they may deem necessary to carry the ordinances into effect, *provided*, such ordinances are not repugnant to the Constitution of this State or the United States.

68. SEC. IX. That all persons within the said corporate limits are subject to road duty, except as the commissioners of said town, so incorporated, shall direct.

69. SEC. X. That said commissioners shall, at their first meeting after their organization, choose one of their number to preside over them as President, to hold his office until otherwise directed by a majority of said body; at the same time and place they shall also choose one of their body to act as President *pro tem*, in the absence of the President.

70. SEC. XI. That they shall have power to appoint a secretary and treasurer, (or secretary or treasurer,) as they may see proper, causing them to take such oaths, and give such bonds as they may see fit, and shall fix the compensation of such treasurer and secretary, or either, as they may choose.

71. SEC. XII. That all parties residing in the limits of said incorporation shall be exempt from road duty, except as directed by said commissioners.

Approved December 8th, 1871.

No. CI.—(O No. 42.)

An Act to authorize the Mayor and Council of the City of Cuthbert to issue bonds for educational purposes, and to assess and collect taxes to pay the same.

72. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That after the passage of this Act, the Mayor and Council of the City of Cuthbert may issue the bonds of said city for the sum of (\$5,000 00) five thousand dollars, in such sums, and to become due at such dates as to them may seem best, with interest at seven per cent. per annum, payable semi-annually, for educational purposes, which bonds shall be signed by the Mayor and countersigned by the clerk and registered by him.

73. SEC. II. That the Mayor and Council of the City of Cuthbert

Issue of bonds by the authorities of the city of Dalton.

shall, in time to pay the interest and the said bonds as they respectively become due, assess and collect a special tax upon the property subject to taxation in said city, sufficient to pay the same. Tax may be levied to pay principal and interest.

SEC. III. Repeals conflicting laws.

Approved December 9th, 1871.

No. CII.—(O No. 35.)

An Act to authorize the issue of bonds by the corporate authorities of the city of Dalton, for educational purposes:

WHEREAS, An election was held by the legal voters of the city of Dalton, on the 18th day of September, 1871, to determine whether bonds of said city, not exceeding ten thousand dollars, should be issued for the building of a male institute, and the same amount for a female institute; and whereas, a majority of legal votes cast at said election were in favor of the issue of the bonds upon the terms and conditions specified in the order directing said election to be held. Preamble.

74. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Mayor and Council of the city of Dalton are hereby authorized to have issued bonds, not exceeding in amount the sum of twenty thousand dollars, one half for the purpose of building a male, and the other half for a female institute, said bonds to be issued for not less than one hundred, nor more than five hundred dollars each, to fall due in not less than ten, nor more than thirty years, to bear interest at the rate of seven per cent. per annum, payable semi-annually, and the coupons to be receivable, when due, in payment of any tax or debt due said corporation: *Provided,* nevertheless, that no bond shall be sold at a greater discount than ten per centum, upon the face value thereof; and none shall be delivered for either purpose until the sum of five thousand dollars can be realized, in current funds, from their sale on the terms specified. Mayor and Council authorized to issue bonds to amount of \$20,000.
Bonds—when due and interest.
Not to be sold at a greater discount than 10 per cent.

75. SEC. II. That said bonds shall issue on the order of said Mayor and Council, and shall be signed by the Mayor and Clerk of Council, and the proceeds, when sold for either institution, shall be placed in the hands of a building committee, selected by the Council and the holders of said bonds, to consist of three persons, who shall give bond, payable to and approved by said Mayor and Council, and for such amount as they may require, additional, conditioned faithfully to disburse and account for all funds that may come into their hands; and the permanent government of said institutions shall be vested by the Mayor and Council and holders of the bonds in trustees, each holder of a bond having one vote for every hundred dollars of bonds he may hold, and the Mayor and each member of Council having ten votes, upon terms and conditions as they or a majority of them may prescribe and adopt, and said Mayor and Council and bondholders shall take necessary steps to locate and build said insti- How signed.
Proceeds—how disposed of.
Government of the institution.

Donation to the Selma, Rome and Dalton Railroad Company.

tutions. And the government of said institutions shall be separate and distinct, and always non-sectarian.

Bonds free
from taxa-
tion.

76. SEC. III. That the bonds herein provided for shall be free from taxation.

SEC. IV. Repeals conflicting laws.

Approved December 9th, 1871.

No. CIII.—(O No. 45.)

An Act to authorize the Corporate Authorities of the City of Dalton to purchase and donate to the Selma, Rome and Dalton Railroad Company a site upon which to erect the machine shops of said company.

Preamble.

WHEREAS, At an election held for the purpose, on the 11th day of March, 1871, a majority of the qualified voters of the city of Dalton voted in favor of the purchase, by the authorities of said city, of a suitable site for the machine shops of the Selma, Rome and Dalton Railroad Company, and in favor of donating the site so purchased to the said railroad company for the said purpose. Therefore,

Mayor and
Council to
purchase
site for ma-
chine shops
for Selma,
Rome and
Dalton R.
R.

77. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Mayor and City Council of the city of Dalton be, and hereby are authorized to purchase for and in behalf of said city, such parcel or parcels of land within or near the corporate limits of said city as may be agreed upon by the said Mayor and City Council and the authorities of said railroad company, as suitable for the site of the machine shops of said company; and the said Mayor and Council are hereby authorized and empowered to donate the lands so purchased to the said company for the said purpose, (purchase) whenever in their discretion it shall seem proper so to do, and by such conveyance or conveyances as shall secure the object contemplated in this Act.

Donate to
company.

Tax to be
levied to
pay for
site.

78. SEC. II. That the said Mayor and City Council shall have full power and authority to levy and collect by taxation upon the property in said city, in such sums and manner as they may deem proper, a sufficient amount of money, not to exceed twenty-five hundred dollars, for the purpose of paying for lands purchased under the provisions of the first section of this Act.

SEC. III. Repeals conflicting laws.

Approved December 9th, 1871.

No. CIV.—(O No. 174.)

An Act to amend an Act entitled an Act to alter, change and amend an Act to incorporate the town of Decatur, in the county of DeKalb, assented to December 10th, 1823, approved March 3d, 1856, to extend the corporate limits of said town and confer additional powers upon the Commissioners of said town.

79. SECTION I. *Be it enacted by the General Assembly of Georgia,* That section 3 of said Act, approved March 3d, 1856, be amended so that the corporate limits of said town shall be so extended as to be one-half mile in every direction from the Court-house of DeKalb county, in said town. Corporate limits extended.

80. SEC. II. That section 4 of said recited act be so amended as to authorize and empower the Commissioners of said town of Decatur to levy and collect a tax of not exceeding one per cent. upon the value of all property, real and personal, owned and held in said town, and which is taxable by the laws of the State of Georgia, said tax to be collected for the purposes and in the manner in said Act provided. Commissioner's to levy tax.

81. SEC. III. That section 7 of said recited Act be so amended as to allow the commissioners of said town to provide and pay a competent annual salary, not exceeding two hundred and fifty dollars, to the marshal of said town. Marshal's salary.

82. SEC. IV. That sections 7 and 8 of said Act of March 3, 1856, be, and are hereby repealed, and that the commissioners of said town shall have power to compel all persons resident in said town, and who would, by the laws of this State, be subject to work on the (public) roads, to work upon the streets of the said town, under such rules and regulations as said commissioners may adopt, and all such persons shall be exempt from road duty out of the corporate limits of said town. Said commissioners shall further have power to impose a street tax of not exceeding five dollars upon each and every person residing in said town subject by the laws of said State to road duty, which tax may be discharged by the person charged with the same by working, under the direction of the commissioners of said town, at least five days upon the streets of said town. Persons subject to road duty.

83. SEC. V. That section 12 of said Act, approved March 3, 1856, be, and the same is hereby repealed, and in lieu thereof the said commissioners, or a majority of them, shall have power to restrict and regulate the sale and vending and distribution of all distilled or intoxicating liquors in the corporate limits of said town, and license the sale of such liquors and prescribe the places, times and manner of such sales, and fix and prescribe such license fees as they think proper, not exceeding the sum of two hundred and fifty dollars, and for the violation of any ordinances or laws of said commissioners, regulating the license and sale of such liquors in said town, the said commissioners shall have power to punish, by fine or imprisonment, Commissioner's to regulate the sale of spirituous liquors.

An Act to incorporate Doraville.

the fine not to exceed two hundred and fifty dollars, and imprisonment ten days, in addition to the penalties now prescribed by law for retailing liquors without license.

SEC. VI. Repeals conflicting laws.

Approved December 13th, 1871.

No. CV.—(O No. 205.)

An Act to incorporate Doraville, in the County of DeKalb, and to appoint Commissioners for the same, and for other purposes therein mentioned.

84. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That L. N. Flowers, L. T. Jackson, Samuel Harman, S. H. Braswell and William N. Leitch, and their successors in office, be and they are hereby appointed commissioners and made a body corporate, under the name and style of the Town Council of Doraville; and the said named commissioners shall hold their office until the first Saturday in January, 1873, and until their successors are elected and qualified.

85. SEC. II. That on the first Saturday in January, 1873, and on the first Saturday in January of each subsequent year, an election shall be held at such place, within the corporate limits of said town of Doraville, as the managers of said election may think convenient, for five commissioners, to serve for one year next after their election, and until their successors are elected and qualified, at which election all persons resident within the corporate limits of said town, who are entitled to vote for members of the General Assembly, shall be entitled to vote; and said election shall be managed by three freeholders, residents of said town, and the persons receiving the highest number of votes cast at said election shall be declared duly elected commissioners for said town.

86. SEC. III. That the corporate limits of said town shall be one half a mile, in every direction, from the depot of the Atlanta, Richmond and Air Line Railroad Company, in said town.

87. SEC. IV. That the said Town Council shall, at its first meeting after their election and qualification, elect from their own number a presiding officer, who shall be styled Chairman of Council, and shall appoint a clerk and *marshal*, who shall hold their offices during the pleasure of the Council.

88. SEC. V. That the persons named in this Act, and those hereafter to be elected as commissioners, shall, before entering upon the discharge of their duties as Town Council, take an oath before some person of said county of *DeKalb* authorized to administer oaths, faithfully and impartially to discharge the duties of their office.

89. SEC. VI. That a majority of said Council shall constitute a quorum for business, and shall have power to pass all ordinances not

Incorporating the town of Eastman.

inconsistent with the Constitution and laws of this State, for the government of said town, and for the preservation of the good order and peace of said town; shall have power to provide for the working of the streets of said town, and to compel all persons in said town subject to road duty, under the laws of this State, to work on the same, and for the violation of the ordinances of said Town Council they shall have power to punish by fine, not exceeding twenty-five dollars, or imprisonment, not to exceed five days, or both, in the discretion of said Council.

SEC. VII. Repeals conflicting laws.

Approved December 15th, 1871.

No. CVI.—(O. No. 209.)

An Act to incorporate the Town of Eastman, in the county of Dodge, to define the limits of the same, and to repeal all previous Acts passed incorporating the same.

90. SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That the municipal government ^{Incorporated.} of the town of Eastman, shall consist of a Mayor and four Aldermen, who are hereby constituted a body corporate, under the name and style of the Mayor and Council of the town of Eastman, and by that name and style, shall have perpetual succession, and shall, by ^{Name and general powers.} the said name be capable to sue and be sued in any Court of law or equity in the State, plead and be impleaded, and do all other acts relating to their corporate capacity; and shall be capable, in law, to purchase, hold, receive, enjoy and possess, to retain to them and their successors, for the use and benefit of the said town of Eastman, in perpetuity, or for any term of years, any estate, real or personal, lands and tenements of what kind or nature soever within the limits of said town, and to sell, alien, exchange, or lease the same, or any part thereof, or convey the same or any part thereof in any way whatever.

91. SEC. II. That the corporate limits of the town of Eastman ^{Corporate limits.} shall extend three-fourths of one mile in every direction from the centre of said town of Eastman.

92. SEC. III. That the corporate powers of said town shall be vested ^{Mayor and Aldermen, when elected.} in a Mayor and four Aldermen, who shall be elected on the second Saturday in January, 1872, ten days' notice having been given, and on the same day in every January thereafter, and that said Mayor and Aldermen shall hold their offices for one year, or until their ^{Term of office.} successors are qualified, and all citizens who shall be entitled to vote ^{Qualifica'n of voters.} for members of the General Assembly, and who have resided in said corporation ten days previous to said election, shall be entitled to vote for said Mayor and Aldermen: *Provided*, no person who ^{Proviso.}

Council to elect clerk, treasurer and other officers.

is not a resident citizen within the said incorporation, shall be eligible to the office of Mayor or Alderman in said town.

Who may
hold
election.

93. SEC. IV. That any two citizens who may be freeholders in said town, being first sworn to hold said election properly and faithfully, may preside over said election, neither of whom being a candidate, and the person receiving the highest number of votes shall be declared to be duly elected, and that the managers shall give their certificates to such persons as shall be thus elected.

Oath of
Mayor, etc.

94. SEC. V. That the said Mayor and Aldermen, before they enter upon the duties of their respective offices shall, before the Judge of the Court of Ordinary, or a Justice of the Peace, Clerk of the Superior Court, or commissioned Notary Public, take and subscribe the following oath: "I do solemnly swear that I will, to the utmost of my ability, faithfully discharge the duties of Mayor, (or Alderman,) of the town of Eastman, during my continuance in office, so help me God."

Marshal
and other
officers.

95. SEC. VI. That the said Mayor and Aldermen shall, at their first annual meeting after being qualified, proceed to elect, by ballot, a marshal, and if they deem necessary, a deputy marshal, Clerk of Council, and Treasurer, each of whom, unless removed, shall remain in office until a new election for, and qualification of Mayor and Aldermen; and that said Mayor and Aldermen shall have full power to remove from office, or to punish by fine, not exceeding fifty dollars, any officer elected by them, for any neglect, malpractice in, or abuse of said office.

Penalty for
malpractice

96. SEC. VII. That in case the Mayor or any Alderman, while in office, shall be guilty of any willful neglect or malpractice in or abuse of said office, he or they shall be liable to be indicted before the Superior Court of Dodge county, and, on conviction thereof, shall be fined in a sum not exceeding five hundred dollars for each and every offense, and shall, moreover, be removed from office, which fine or fines shall be paid over to the town treasurer for the use of said town.

Streets—
who shall
work.

97. SEC. VIII. That all males over the age of sixteen years and under the age of forty-five, who may have resided in said town ten days, shall be subject to work the streets according to the road laws now of force in this State, or to be taxed therefor, after opportunity offered so to work, as the Town Council may determine, as a commutation for such duty, not to exceed two dollars per day.

Salaries.

98. SEC. IX. That the Mayor and Aldermen shall have power to fix and regulate the salaries of each and every officer they may elect, which salary shall not be increased or diminished during continuance in office.

Quorum.

99. SEC. X. That the Mayor, or Mayor *pro tempore*, and any two Aldermen shall form a quorum for the transaction of business, and the Mayor, or President *pro tempore*, shall have the casting vote, and a majority of all the votes shall determine all questions and elections before the Council, and the Mayor and each Alderman shall be to all intents and purposes a Justice of the Peace so far as to enable them

Authority to pass ordinances.

or any of them to issue warrants for offenses committed within the Mayor and Aldermen to have powers of Justices of the Peace. incorporate limits of said town, which warrants shall be executed by the marshal or deputy marshal, and to commit to the county jail of Dodge county, or to admit to bail, according to law, offenders, for their appearance before the Superior Court thereafter for the county of Dodge, to await his, her or their trial, and it shall be the duty of the jailor of said county to receive all such persons so committed and them safely keep until the same be discharged by due course of law, and in all cases where persons committed to jail are or shall be unable to pay jail fees, the said corporation shall be liable for the same.

100. SEC. XI. That the expenditures of the Mayor and Aldermen and the compensation of the town officers shall be paid out of the town funds by an order drawn by the Clerk of Council (upon the town treasurer and countersigned by the Mayor or the President *pro tempore* of the Council;) and that the marshal or deputy marshal and clerk and treasurer shall give bond and good security to the Mayor and Aldermen and successors, in a sum to be fixed by the Mayor and Aldermen for the faithful performance of his or their duties. Expenses—how paid.

101. SEC. XII. That the said Mayor and Aldermen shall have full power and authority to pass all ordinances and by-laws necessary for the government, good order and well being of said town, to remove pests and nuisances, and to perform all acts necessary and proper to carry out the provisions of this Act, not incompatible with the Constitution and laws of Georgia, and of the United States; they shall also have full power to make all contracts in their corporate capacity which they may deem necessary for the welfare of said town. Ordinances and by-laws.

102. SEC. XIII. That the Mayor, and in his absence any two of the Aldermen of said town, shall have full power and authority to try all offenders against all or any of the by-laws or ordinances of said town, and to punish for each and every violation thereof, within the corporate limits of said town, by a fine or fines, not to exceed fifty dollars, or by imprisonment in the common jail of said county not exceeding thirty days. Mayor and Aldermen may try and punish offenders.

103. SEC. XIV. That the Mayor of said town shall receive for his services such sum per annum as may be fixed by the Mayor and Aldermen, and all the salaries to be paid to the officers of said incorporation, together with all the expenditures made for the use of said town, shall be paid out of the town funds in the hands of the town treasurer, who shall keep a book in which he shall make an entry of all the sums of money paid out, and to whom, and for what purpose, and shall take a receipt for all sums of money paid out, which book and receipts shall at all times be subject to the inspection of the Mayor and Aldermen of said town, or any or either of them, and all sums of money paid into the treasury, by the provisions of this act shall and the same is hereby directed to be a fund for the exclusive use of said town. Compensation of Mayor and other officers.

104. SEC. XV. That the Mayor and Aldermen of said town shall have power to license persons to retail and sell spirituous liquors. Licensees.

 Authority to impose taxes.

within the limits of said town, and that no person or persons shall sell by retail any spirituous liquors within the limits of said incorporation, without first obtaining such license, for which he or they applying shall pay such sum of money as the Mayor and Aldermen of said town, by ordinance, shall determine, which tax shall be paid into the treasury of said town, and be appropriated to the use of said town.

Tax on billiard tables etc.

105. SEC. XVI. That the Mayor and Aldermen of said town shall have power and authority to levy a tax upon all billiard tables kept or used for the purpose of playing on, gaming, or renting, and all ten-pin alleys, or alleys of any kind which are kept for the purpose of playing with pins and balls, or either pins or balls, or for the purpose of renting the same, and the said Mayor and Aldermen shall have power and authority to levy and collect a tax from all itinerant show masters who may exhibit in said town, any show, circus, riding, tumbling, sleight-of-hand, tricks of legerdmain, or any theatrical exhibition coming under this description.

Power of taxation.

106. SEC. XVII. That the Mayor and Aldermen of said town shall have power and authority to impose and levy such taxes upon all the real and personal estate within the corporate limits of said town, as they may deem necessary for the support of the government of said town, and also to enforce the collection of all fines which may be imposed by said Mayor and Aldermen under the provisions or the powers granted by this Act.

Tax returns.

107. SEC. XVIII. That it shall be the duty of all tax payers and owners of all taxable property within said town, and they and each of them, either by themselves or an agent, are required to make annual returns under oath to the Clerk of Council in said town, or to such other officer as the Mayor and Aldermen of said town may appoint for (said purpose, at such time as said) Mayor and Aldermen may limit, of all their taxable property, polls and professions, held in their own right or in the right of any other person, and in case any person or persons shall fail or refuse to make such returns, or shall make any return deemed incorrect by the said Mayor and Aldermen; the said Mayor and Aldermen may assess the property of such persons, and may fix such value thereon as they may deem correct and just; and all taxes levied and imposed by said Mayor and Aldermen, in case of refusal to pay the same, shall be collected in the following manner: An execution for the sum due and all costs shall be issued by the Clerk of Council, directed to the marshal, against the estate, both real and personal, of said defaulter, and shall be levied by the marshal or deputy marshal upon the said estate, and after having been advertised for thirty days in some public gazette of the State, the said marshal or deputy marshal shall sell at public outcry the property so levied upon, at the time and place for sheriff's sales in Dodge county, and the deed of the marshal or his successor in office, made in accordance with such sale, shall be as effectual to pass the title to such property to the purchaser thereof as the deed of the de-

Failure to make returns.

Collect'n of defaulter's taxes.

Powers of Mayor and Aldermen.

faulter, and all executions issued under the provisions of this Act shall bind all the property of defendant from date, and shall have rank and precedence as executions from the Courts of this State now have by law, and the costs thereof shall be the same as in tax collector's executions, by the laws of this State.

108. SEC. XIX. That the Mayor and Aldermen of said town shall have full power and authority to remove or cause to be removed all buildings, porches, steps, fences, or other obstructions or nuisances in the public streets, lanes, alleys, sidewalks, or public squares in said town, and also to establish a market or markets in said town; and also license, regulate and control all taverns and public houses in said town; and also to regulate all butcher pens, slaughter houses, tan yards, blacksmith shops, forges, stoves and chimneys in said town, and to remove or cause to be removed the same, or any of them, in case they become dangerous or injurious to the health of any citizen of said town, or become nuisances; and also, if necessary, to fill up all pits, cellars and excavations in said town, or cause the owner to do so; also to regulate drays, omnibuses, buggies, carriages, wagons and carts owned or kept and used in said town; and also full power to regulate and control all pumps, wells, livery stables, fire companies and engines within said town.

Further powers of Mayor and Aldermen.

109. SEC. XX. That the Mayor and Aldermen shall have power to take up and impound any horses, mules, dogs, hogs, cows or other cattle running at large in said town, and to pass and enforce all ordinances which they may deem necessary and proper for the regulation and control of all such animals in said town.

Stray cattle to be impound'd.

110. SEC. XXI. That the said Mayor and Aldermen, or that the Mayor and any two Aldermen, upon the trial and examination of any offenders against the laws of this State or ordinances of said town, shall have power to issue all process, writs and subpoenas necessary to carry out any of the provisions of this Act or to execute any of the powers therein granted, and which processes shall be signed by the clerk and bear test in the name of the Mayor or other officer acting *pro tempore* instead of said Mayor, and be served or executed by the marshal or deputy marshal.

Mayor and Aldermen may issue subpoenas, etc.

111. SEC. XXII. That in case there should at any time be a failure to elect a Mayor and Aldermen for said town, as provided for in this Act, any two freeholders of said town, upon giving ten days notice thereof, shall or may proceed to hold an election in manner as pointed out in this Act for the regular elections in said town, and the Mayor and Aldermen so elected shall hold their office till the next regular election in said town, or until their successors are qualified, and in case at any time there should be a vacancy in the office of Mayor or Aldermen, that the Mayor or any two Aldermen, or two freeholders in said town, may, upon ten days' notice, proceed to fill such vacancy in the manner as pointed out for elections in said town by this Act, and all officers thus elected to fill vacancies shall

Proceeding in case of failure to elect.

Vacancy—how filled.

Powers of Mayor and Aldermen.

hold their office until the next regular election in said town, or until a successor is qualified.

112. SEC. XXIII. That the Mayor and Aldermen shall have full power and authority to open and lay out, to widen, straighten, or otherwise change streets and alleys in said town; whenever the Mayor and Council shall exercise the power above delegated, they shall appoint two freeholders, and the owner or owners of the lots fronting on said streets or alleys, shall on five days' notice, appoint two freeholders who shall proceed to assess the damage sustained, or the advantage derived, by the owner or owners of said lots in consequence of the opening, widening, or straightening, or otherwise changing said streets or alleys; and in case said assessors cannot agree, they shall select a fifth freeholder; the said assessors to take an oath that they will faithfully discharge their duties, and either party (to have a right) to enter an appeal to the Superior Court of Dodge county, within ten days from the rendition of said award. The Mayor and Council of said town of Eastman to have power and authority to levy, collect, and enforce the final award and judgment in each and every case, by judgment against the owner or owners of said lot or lots, when the same is found to be advantageous to said owner.

113. SEC. XXIV. That hereafter when any *fi. fa.* issued by the corporate authorities of said town for fines, forfeitures, taxes or any other debt or demand due said corporation, shall be levied upon any property claimed by any other person not a party to said *fi. fa.*, that said claim shall be interposed under the same rules, regulations and restrictions as regulate other claim cases, and the said claims shall be returned and tried in the first Justice Court or Superior Court having jurisdiction thereof, as the case may be.

114. SEC. XXV. That this Act shall take effect from and after the first day of January, 1872, and that until said date all the rights, powers and privileges heretofore granted to the Commissioners of the town of Eastman, under the original charter of incorporation, as well as the said Acts, shall remain in full force, and the official actings and doings of the present Board of Commissioners are made valid and binding.

115. SEC. XXVI. That from and after the first day of January, 1872, the Act to incorporate the town of Eastman in Pulaski county, now Dodge county, and to appoint officers for the same, so far as said Act relates to the town of Eastman, be and the same is hereby repealed.

Approved December 15, 1871.

To incorporate the town of Franklin, etc.

No. CVII.—(O No. 18.)

An Act to repeal an Act entitled an Act to make permanent the site of the public buildings in and for the County of Heard, at the town of Franklin, and to incorporate the same, and all Acts amendatory thereto, assented to December 26th, 1831, and for other purposes, etc.

116. SECTION I. *The General Assembly of the State of Georgia do enact, and it is hereby enacted by the authority of the same,* That W. J. Taylor, William H. Power, H. B. Lane, B. Oliver, and C. W. Boyd be and they are hereby made a body corporate, under the name and style of the Town Council of Franklin, and shall hold their offices until the first Saturday in January, 1872, and until their successors are elected and qualified. Certain persons constituted Council of Franklin.

117. SEC. II. That on the first Saturday in January, 1872, and on the first Saturday in January of every year thereafter, an election shall be held at the Court-house in said town for five commissioners, to serve for one year subsequent to their election, and until their successors are elected and qualified, at which election no person shall be qualified to vote but those entitled to vote for members of the General Assembly, at which election a Justice of the Peace or two freeholders may preside. Providing for election of commissioners.

118. SEC. III. The Town Council shall, at their first meeting, after qualification, elect from their own number a presiding officer, who shall be styled President of the Town Council of Franklin, and appoint a treasurer and marshal, who shall hold their office for the time they are appointed, and shall, before entering upon the discharge of their duties, take an oath, faithfully and impartially to discharge the duties of their office. Council to elect presiding officer — treasurer and marshl.

119. SEC. IV. That the said President shall be *ex officio* a Justice of the Peace within the corporate limits of said town, so as to enable him to issue warrants for offenses committed therein, and to bail and commit offenders according to law. Presid't to be ex officio Justice of the Peace.

120. SEC. V. The corporate limits of said town shall extend six hundred yards in every direction from the Court-house in said town, except on the west side, which shall extend to the middle thread of the river. Corporate limits.

121. SEC. VI. The said Town Council shall exercise such jurisdiction over the vacant academy lot and town commons as to keep off intruders. Academy lot and commons.

122. SEC. VII. A majority of said Council shall constitute a quorum for the transaction of business, and shall have power to pass all ordinances necessary for the government of said town, to grant licenses for the retail of liquors in said corporate limits, and to fix the price of the same, which license shall not exceed the amount required by the laws of this State for county license; to impose and collect taxes on all shows, circuses and exhibitions for the purposes of gain; to compel all persons, residents of said town, who, under the road laws

Amendatory of the Act incorporating the town of Hawkinsville.

of said State, are subject to road duty, to work the streets of said town, or pay a capitation tax for the purpose of keeping up said streets, and to pass all other ordinances to promote the interest of said town, not repugnant to the Constitution and laws of this State and the Constitution of the United States.

Board to
enforce
ordinances
by fines.

123. SEC. VIII. That said board of commissioners shall have power to enforce obedience to these ordinances by a fine of not less than one nor more than ten dollars, at their discretion.

SEC. IX. Repeals conflicting laws.

Approved December 4th, 1871.

No. CVIII.—(O No. 216.)

An Act to alter and amend an Act entitled an Act to incorporate the Town of Hawkinsville, in the County of Pulaski, to define the limits of the same, and to repeal all previous Acts passed incorporating the same, or amendatory thereof, approved October 28th, 1870.

Section
amended of
Act of 28th
Oct., 1870.

Licenses to
retailers of
spirituous
liquors.

124. SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, section fifteenth of an Act entitled an Act to incorporate the town of Hawkinsville, in the county of Pulaski, to define the limits of the same, and to repeal all previous Acts passed incorporating the same, or amendatory thereof, approved 28th of October, 1870, be so altered and amended as to read as follows: "The Mayor and Aldermen of said town shall have power to license persons to retail and sell by retail spirituous liquors within the limits of said town, and that no person or persons shall sell by retail any spirituous liquors within the limits of said incorporation without first obtaining such license, for which he or they applying shall pay such sum of money as the Mayor and Aldermen of said town shall by ordinance determine, which tax shall be paid into the treasury of said town, for the use of said town.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

No. CIX.—(O No. 149.)

An Act to legalize the subscription of Indian Springs to the Griffin, Monticello and Madison Railroad Company.

Preamble.

WHEREAS, The Mayor and Council of the town of Indian Springs did, on the day of, 1871, submit to the legal voters of said town the question of subscription or no subscription to the Griffin, Monticello and Madison Railroad; and, whereas, the voters

Mayor and Council of LaGrange may issue bonds.

of said town did, by a large majority of votes, vote a subscription in bonds to said railroad company.

125. SECTION I. *Be it therefore enacted by the General Assembly of Georgia,* That the subscription of said town of Indian Springs to the Griffin, Monticello and Madison Railroad Company be and the same is hereby made legal and as fully binding upon said corporation and the citizens thereof, as fully as if the authority had been conferred by the charter of said incorporated town. Subscriber's to Griffin, Madison & Monticello Railroad legalized.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CX.—(O No. 92.)

An Act to authorize the Mayor and City Council of LaGrange, Georgia, to issue bonds to aid in building Railroads, and for other purposes therein named.

126. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Mayor and City Council of LaGrange, or a majority of them, are hereby authorized to issue coupon bonds of the city of LaGrange to the amount of twenty-five thousand dollars, bearing seven per cent. interest, payable semi-annually and redeemable in not less than ten years, nor more than twenty years from the date of their issue, the interest payable at the office of the City Treasurer on presentation, and the coupons clipped therefrom, as the interest is paid, the bonds to be based upon the faith and credit of the city, which are hereby pledged for their redemption, and the interest as it falls due: *Provided,* that the consent of a majority of the qualified voters of the city of LaGrange, voting at an election to be held at such time as the Mayor and Council shall prescribe, shall vote in favor of the same: *Provided further,* that no election for that purpose shall be held by said Mayor and City Council without first giving ten days' notice of the same in the city paper. Mayor and Council to issue bonds for \$25,000.

127. SEC. II. That the Mayor and City Council of the city of LaGrange, or a majority of them, are hereby authorized to invest the bonds to be issued, under and in accordance with the provisions of this Act, or the proceeds of the whole thereof, in the stock of the North and South Railroad. Proceeds to be invested in stock of North and South R. R.

128. SEC. III. That the Mayor and City Council, in each and every year, until said bonds are paid, shall provide by a special taxation, (in addition to their general tax laws,) for the raising of a sufficient sum of money to pay the interest on said bonds, and the principal when due, unless a certain provision be otherwise made for the paying of said interest and principal, and the stock subscribed with said bonds, and the proceeds thereof in the North and Provision to be made for paym't of interest and principal when due.

Mayor and Council of LaGrange may levy tax.

Stock bound for payment. South Railroad, shall be held, and bound for the payment of the principal of said bonds, in preference to any other debt of the city, and said stock shall not be sold or transferred except to pay said bonds.

How R. R. Co. shall use bonds or proceeds 129. SEC. IV. That it shall not be lawful for said railroad company to use said bonds, or the proceeds arising therefrom for any other purpose than the construction or equipping of said railroad, or both.

Bonds and coupons—how signed and issued. 130. SEC. V. That when said bonds are issued, they shall be signed by the Mayor and countersigned by the clerk of said corporation, and the coupons shall be signed by the treasurer of said corporation, and the Mayor and Council shall keep a registry of the number, date, and amount of said bonds, and when they shall become due, and to whom issued, and they shall be issued in sums not less than one hundred dollars, nor more than one thousand dollars.

Mayor and Council may issue additional bonds for the use of any other railroad. 131. SEC. VI. That the Mayor and City Council, or a majority of them, are hereby authorized to issue an additional sum of twenty-five thousand dollars of city bonds, to be invested, or the proceeds of the whole thereof, in the stock of any other railroad company other than the North and South Railroad Company hereafter to be built, terminating at, or passing through the city of LaGrange: *Provided*, that the consent of a majority of the qualified voters of the city of LaGrange, voting at an election to be held for that purpose, be first obtained in such manner as is provided for in this Act, authorizing the Mayor and Council to subscribe a like amount in the North and South Railroad.

Issued on same conditions. 132. SEC. VII. That should the Mayor and City Council, or a majority of them, be authorized to issue bonds of the city of LaGrange, provided for in the preceding section of this Act, to be invested in the stock of any other railroad than the North and South Railroad, they shall be issued upon the same conditions, terms and provisions as are required and prescribed by this Act for the issuing of the bonds of the city, to be used and invested, or the proceeds thereof, in the North and South Railroad.

SEC. VIII. Repeals conflicting laws.

Approved December 12th, 1871.

No. CXI.—(O No. 118.)

An Act to amend an Act entitled an Act to confer additional powers upon the Mayor and Council of the city of LaGrange, to regulate the rate of taxation in said city, and to grant certain exemptions to the diligent firemen of LaGrange, and for other purposes.

133. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, the Mayor*

Incorporating the town of Lawtonville.

and Council of the city of LaGrange, in addition to the powers already conferred upon them by law, shall have full power and authority to levy and collect such a tax upon the property subject to taxation, according to valuation under the present law, as in their judgment the wants and necessities of the city may require: *Provided*, such taxation shall not be more than one-quarter of one per cent. upon the valuation of said property.

Mayor and Council may levy tax.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXII.—(O No. 188.)

An Act to incorporate the town of Lawtonville.

134. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, and it is hereby enacted by authority of the same*, That all that district or tract of land situated, lying and being in the county of Burke, extending one mile north and one mile south from the warehouse (commonly known as the warehouse at Lawton Depot) on the Augusta and Savannah Railroad in said county, one mile west of said railroad, and to Little Buckhead creek on the east side of said railroad, shall hereafter be known as the town of Lawtonville, and as such and by said name is hereby incorporated.

Incorp'd.

Town limits.

135. SEC. II. The corporate powers of said town shall be vested in five commissioners, to be elected as hereinafter provided.

Commiss'rs

136. SEC. III. That Abel B. Wallace, Cyrenus E. Clark, Homer C. Glisson, Square E. Clark and Malcom C. Perkins be, and they are hereby appointed commissioners of said town of Lawtonville. That they and their successors in office shall have full power and authority to make such laws, rules and regulations for the government of said town as they may deem necessary for the preservation of good order, the health, prosperity, comfort and security of the citizens of said town: *Provided*, said laws, rules and regulations are not repugnant to the Constitution and laws of this State, or those of the United States.

First commissioners named.

Proviso.

137. SEC. IV. That the commissioners appointed in section third of this Act shall continue in office until the first Thursday in January, eighteen hundred and seventy-two, on which day, and on the first Thursday in each and every year thereafter, or such other day as the by-laws of said town may require, there shall be an election for five commissioners for said town, who shall remain in office for one year from the time of their election, and until their successors shall be elected and qualified. All persons who are entitled to vote for members of the General Assembly of the State, and shall have resided in said town as citizens thereof for ten days immediately preceding said election, or shall be freeholders in said town, and who

Election provided for.

Qualific'n of voters.

Who to hold election. have paid all taxes required of them by the by-laws of said town, and which they have had opportunity of paying, shall be entitled to vote at said election. Said election shall be held by three freeholders of said town, to be appointed by the president of the board of commissioners, whose duty it shall be to cause the polls to be opened not sooner than nine o'clock, A. M., nor closed sooner than three o'clock, P. M., to receive the votes, count out the same, and give to the persons receiving the highest number of votes at said election a certificate of his or their election; and if from any cause said election should not be held on the day aforesaid, then it shall be held at such other time as the commissioners or a majority of them may designate, upon giving five days' notice thereof; and if a vacancy shall occur in said board of commissioners by death, resignation or otherwise, the remaining commissioners shall order an election to fill such vacancy, and give like notice thereof. No person shall be eligible to the office of commissioner who is not a resident of said town.

If election is not held.

Pres't to be appointed. And other officers. 138. SEC. V. That the commissioners so appointed or elected, shall, as soon as convenient, appoint one of their number president, and shall also have power to appoint a treasurer, clerk and marshal, all of whom shall be severally sworn to discharge their duties to the best of their ability while they continue in office, and to support the Constitution of the State of Georgia, and the Constitution of the United States, said oaths to be administered by the out-going president or a Justice of the Peace.

Powers of commiss'rs. 139. SEC. VI. That said commissioners shall have power to levy and collect taxes on all property, both real and personal, not to exceed one half of one per cent., and all trades, professions or occupations carried on within the limits of said town, not to exceed ten dollars, and to tax all shows, showmen performing in said town for the purpose of gain, and also all gaming tables, ten pin alleys, and games of hazard open, established or played in said town, and shall have full power and authority to regulate or prohibit the sale of all spirituous liquors or other intoxicating drinks within the corporate limits of said town: *Provided*, persons selling such liquors under a license from said commissioners shall be exempt from also purchasing license from the county authorities. They shall have full power and authority to punish all offenders against the laws, rules and regulations of said town, by fine and imprisonment, either *Proviso.* or both: *Provided*, said fines shall not exceed twenty dollars, nor thirty days imprisonment; they shall also have power to call out all the citizens of said town to work on the roads and streets of said town, who are liable to road duty under the laws of this State, for a term not exceeding five days in each and every year, or the commissioners may receive a sum of money in lieu of said work, the amount to be specified by said commissioners, and when said persons shall have worked said roads and streets or paid said sum of money as required by the commissioners, then said persons shall be exempt from road duty elsewhere for that year.

Proviso.

Legalizing subscription.

140. SEC. VII. That all assessments, fines, pains and penalties under and by virtue of this Act shall be recoverable by execution issued by the clerk of said board of commissioners, approved by the president, to be levied by the marshal and the property sold under such rules and regulations as the commissioners may prescribe, unless said executions should be levied on real estate, in that case, the marshal shall turn the execution over to the sheriff of the county, with his entries thereon, and said sheriff shall proceed to sell such real estate, as in cases of constables levying on real estate, and turning their executions over to him and pay over the moneys arising from said sale to the clerk of the board of commissioners, taking his receipt for the same. That said commissioners shall have the right to use the county jail as a place of imprisonment, they being responsible for jail fees, but nothing herein contained shall be so construed as to prevent said commissioners from building or using any other place as a place of imprisonment that they may see fit to build or use.

Fines, etc.—
how recoverable.

141. SEC. VIII. That the president of said board of commissioners, during his term of office, shall be clothed with the powers of a Justice of the Peace, so far as to authorize him, within the corporate limits of said town and for crimes committed within said limits, to bind over offenders against the laws of the State, for their appearance before the Court having jurisdiction of the offense, or commit to jail, to collect such assessments, fines, pains and penalties, as may be imposed by virtue of this Act, and to act as conservator of the peace.

President
ex officio
Justice of
Peace.

142. SEC. IX. That said president and commissioners shall require bond and security of their treasurer, clerk and marshal as they may determine, and allow them such compensation for their services as they may think proper.

Treasurer,
etc., to give
bond.

SEC. X. Repeals conflicting laws.

Approved December 14, 1871.

No. CXIII.—(O No. 161.)

An Act to legalize the subscription of the corporation of the city of Madison to the Griffin, Monticello and Madison Railroad Company.

WHEREAS, The Mayor and Council of the city of Madison did, on the day of, 1871, submit to the legal voters of said city the question of subscription or no subscription to the Griffin, Monticello and Madison Railroad Company; and whereas, the voters thereof did, by a large majority, vote for a subscription to said railroad company.

Preamble.

143. SECTION I. *Be it therefore enacted by the General Assembly, and it is hereby enacted by authority of the same,* That the subscription of the incorporated town of Madison to Griffin and Madison

Amendatory of the Act incorporating the city of Macon.

Subscriber
legalized to
Railroad.

Railroad Company be and the same is legalized, and as fully binding upon said corporation of the city of Madison and the citizens thereof, as if the authority had been conferred by the charter of said city.

SEC. II. Repeals conflicting laws.

Approved December 13, 1871.

No. CXIV.—(O No. 65.)

An Act to amend an Act entitled an Act to alter and amend the several Acts incorporating the City of Macon, approved December 27th, 1847, and the several Acts amendatory thereto: to grant additional powers to the Mayor and Council of the City of Macon, and for other purposes.

Providing
for election
for Mayor,
Aldermen
and other
officers.

144. SECTION. I. *The General Assembly of the State of Georgia do enact*, That on the second Saturday in December, eighteen hundred and seventy-two, (1872,) and every two years thereafter on said day, there shall be an election in the city of Macon for Mayor and twelve Aldermen, and a clerk and a treasurer, who shall serve for two years, and until their successors are elected and qualified; and the polls shall be opened at eight o'clock, A. M., and closed at five o'clock, P. M.

Qualificat'n
of voters.

145. SEC. II. That all persons qualified to vote for members of the State Legislature in the county of Bibb, and who shall have paid all taxes legally imposed and demanded by the authorities of the city, and who shall have resided thirty days within the jurisdictional limits of said city, shall be qualified to vote at said election for Mayor, Aldermen, and clerk and treasurer. The Mayor and Council of the city of Macon shall have no power or authority to levy any poll or capitation tax, and any person who shall be eligible to vote shall not be denied the privilege of so doing, for refusal to pay such tax: *Provided*, that nothing herein contained shall be construed to authorize any person to vote at said election who shall have failed or refused to pay the street tax authorized by an Act to amend the several Acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city, approved March 21st, 1866.

No poll tax
required.

Proviso.

Managers
of election
to be ap-
pointed.

Oath of
challenged
persons.

146. SEC. III. That the Mayor and Council shall appoint three electors, who shall be freeholders, as managers of said election in each ward, whose duty it shall be to receive, count and verify the number of votes polled. Each of said managers, before entering upon his duties, shall take an oath before some Justice of the Peace, that "he will faithfully and impartially conduct said election, and prevent all illegal voting, to the best of his ability and power."

147. SEC. IV. That if any person offering to vote at said election, is challenged, he shall take the following oath: "I do solemnly swear that I have attained the age of twenty-one years, that I am a citizen

Powers and duties of Mayor and Aldermen.

of the State of Georgia, and have resided for the last thirty days in the city of Macon, that I have paid all taxes legally imposed and demanded of me by the city of Macon, and that I have not voted at any other polling place this day, so help me God." Any person voting illegally at said election, shall be liable to the same penalties as are prescribed by the laws of this State for illegal voting in the State and county elections. Penalty for illegal voting.

148. SEC. V. That the person who shall receive the highest number of votes for Mayor, Aldermen, and clerk, and treasurer, shall be declared duly elected. Highest number of votes to elect.

149. SEC. VI. That a chief of police, who shall be *ex officio* marshal of said city, shall be elected by the said Mayor and Aldermen at their first meeting after said election, or within two weeks thereafter. The term of office of said chief of police shall be the same as that for which said Mayor and Aldermen are elected, and he shall give a bond with two or more good securities in the sum of (\$15,000 00,) fifteen thousand dollars, for the faithful performance of his duties as chief of police and marshal of the city of Macon. He may be dismissed at any time by the vote of a majority of the members of the Council for malpractice in office, neglect of duty, drunkenness or other improper conduct, to be judged of by the Council, and in this event a successor shall be elected to fill his unexpired term. Chief of Police to be elected by Mayor and Aldermen. Term of office. To give bond. How dismissed. In case of the resignation, removal, death or disability of the chief of police, the police officers of said city next in rank, shall perform the duties of said officer until the removal of said disability, or until a successor shall have been elected to fill the unexpired term. In case of resignation etc.

150. SEC. VII. That in addition to the chief of police, the police force of the city of Macon shall consist of three lieutenants and such other officers and men as the Council shall deem necessary, who shall be appointed by the Mayor, and confirmed by the Aldermen. The said lieutenants shall be appointed for the same term as that of the chief of police, and be liable to removal in the same manner and for like causes. Other officers and men of said police force shall at all times be subject to removal by the Mayor, for any cause by him deemed sufficient: *Provided*, that upon appeal taken, two-thirds of the Aldermen of said city may disaffirm said removal; and *provided further*, that the said Mayor and Council may at any time increase or decrease the number of said police force as they may deem proper. Other officers of police, how appointed and removed. Proviso.

151. SEC. VIII. That the Mayor and Council shall have power to pass all ordinances, rules and regulations necessary for the efficiency and discipline of said officers and men of the police force; and said officers and men shall have the power and authority to arrest all persons in said city guilty of disorderly conduct or public indecency, all persons violating the ordinances of the city, and all persons committing or attempting to commit any crime, and commit them to the guard house or common jail of Bibb county, to be brought before the Mayor's Court on the next day for trial or commitment: Mayor and Council to pass ordinances. Power of police in making arrests.

 Certain powers specified.

Provided, that all persons desiring to give bail for their appearance before said Court shall be allowed to do so.

City sexton
and how
appointed.

152. SEC. IX. That there shall be a city sexton who shall be elected in the same manner and for a like term as the chief of police, and who shall be subject to removal in the same manner and for like causes.

Mayor and
Council
may elect
other
officers.
Proviso.

153. SEC. X. That the said Mayor and Council may, in their discretion elect a street overseer and keeper of guard house, and such other officers for the city, not hereinbefore enumerated, as they may deem proper: *Provided*, that nothing herein contained shall be construed to require the election of said officers or to prevent their dismissal whenever their retention is not deemed by said Mayor and Council to be to the interest of the said city.

Clerk and
Treas. to
give bond.

154. SEC. XI. That the clerk and the treasurer of the city of Macon shall each give bond, with two or more good securities, the clerk in the sum of twenty-five hundred dollars, and the treasurer in the sum of twenty-five thousand dollars, conditioned for the faithful performance of his duties; and each shall take an oath that he will, to the best of his skill and power, perform the duties of his office, without favor or affection; the treasurer shall make out quarterly reports of receipts and expenditures, itemized, and have the same published in one of the gazettes of the city of Macon.

Mayor and
Council to
prescribe
fees, etc.

155. SEC. XII. That the Mayor and Council of the city of Macon shall have the power to establish the fees and salaries of all the officers and employees of the city; to take their bonds for the faithful performance of their duties, and to prescribe their duties and their oaths.

To license
sales at
market.

Proviso.

156. SEC. XIII. That the Mayor and Council of the city of Macon shall have power to license the sale of fresh meats and other articles usually sold at the markets, at places other than the markets of the city, and if they deem proper, to grade said license according to the amount of said sales: *Provided*, that in no case shall said licenses be less than the amount which would be received if said business was conducted at the markets of the city.

To levy
and collect
taxes.

Proviso.

157. SEC. XIV. That the Mayor and Council of the city of Macon shall have power and authority to levy and collect a tax upon all property, real and personal, within the limits of the city; upon banking, insurance and other capital employed therein; upon salaries and incomes derived from property within the city, and upon gross sales within the city: *Provided* that no tax upon real or personal estates shall exceed one per cent. upon the value thereof, except for the purpose, and as hereinafter provided. They shall have power to levy and collect a tax upon factors, brokers and vendors of lottery tickets, upon agents or managers of gift enterprises, and upon all other persons exercising, within the city, any profession, trade or calling or business of any nature whatever: *Provided, further*, that the tax upon professions shall in no case exceed the sum of ten dollars upon each person exercising such profession.

Proviso.

Powers specified and set forth.

158. SEC. XV. That the Mayor and Council of the city of Macon shall have power to license all vehicles, and to limit the rates of freight and passage on the same within the city; all hotels, boarding houses and restaurants; all barber shops, bar rooms, billiard tables, ten pin alleys; and they shall have power also to license all other establishments not herein provided for and not otherwise taxed.

To issue licenses.

159. SEC. XVI. That the Mayor and Council of the city of Macon are hereby authorized to issue bonds of the city bearing seven per cent. interest to the amount of two hundred thousand dollars, for the purpose of providing for the payment of the present debt of the city not funded. Said bonds shall be of such denominations and be due at such times and be secured in such manner as said Mayor and Council shall prescribe. To meet the payments of principal and interest which shall be due upon the bonds herein authorized to be issued, and upon the bonds of the city previously issued, the said Mayor and Council are hereby authorized to levy and collect annually a tax of one-half of one per cent. upon all the property in said city, real and personal, and the money raised by said tax shall not be applied in any other manner than is provided for in this section. All bonds issued heretofore by the Mayor and Council of the city of Macon under any contract or according to any ordinance of said city, shall be legal and valid, any provisions in the charter of the city of Macon to the contrary notwithstanding.

May issue bonds to amount of \$200,000 to pay debt.

To levy tax to meet liabilities.

160. SEC. XVII. That no bonds of the city of Macon other than those already issued and those authorized by this Act shall be legal, nor shall any other be issued for any purpose, except upon the vote of a majority of the Council, ratified by a vote taken by ballot of two-thirds of the legal voters of said city who shall vote at the election ordered for this purpose; nor shall the said Mayor and Council subscribe for the stock of railroads or other internal improvements except upon a like vote. Nor shall the said Mayor and Council hereafter make and issue any bills, notes or other security in the form of currency and intended to circulate as such.

Only old bonds and those authorized by this Act legal.

Not to issue change bills.

161. SEC. XVIII. That the Mayor and Council of the city of Macon shall be vested with full power and authority from time to time to make and establish such by-laws, rules and ordinances respecting streets, lanes, alleys and open courts, the market and marketing, wharves, public houses, carriages, wagons, drays, livery stables, pumps, fire engines, and for regulating and controlling disorderly people, and in general every rule and ordinance that shall appear requisite and necessary for the security, welfare, health and convenience of said city, or for preserving the peace, order and good government of the same; and they are also vested with all powers and authority, within the jurisdiction of said city, which by law are vested in the commissioners of roads and streets.

May make rules respecting streets, etc.

162. SEC. XIX. That in addition to the powers already granted to the Mayor's Court of said city, said Court shall have jurisdiction to try offenses committed in said city against the penal laws of this

Jurisdiction of Mayor's Court.

 Repeal of certain sections, etc.

State, of the grade of misdemeanors, as follows: Larcenies, where the amount stolen is less than one hundred dollars in value; vagrancy, breaches of the peace, illegal selling of ardent spirits, and offenses against the public decency and morality; and upon conviction, said Court shall have power to impose such penalties as are prescribed in the penal code of this State for said offenses: *Provided*, that any person charged in said Court, under this Act, with any of the offenses against the laws of this State may demand a trial by jury, in which case it shall be the duty of the Mayor, if the evidence shall warrant it, to commit said person in default of bail to appear before a Court of competent jurisdiction, in the county of Bibb, to answer to said charges; and *provided further*, that nothing herein contained shall be construed to take from said Mayor's Court the right to try persons charged with violating the ordinances of the city against fighting or disorderly conduct, or the illegal selling of ardent spirits, or public indecency in said city. A conviction or acquittal in said Mayor's Court shall be a good plea to any subsequent prosecution for the same offense in any other Court in said county.

Proviso. 163. SEC. XX. That sections two, three, four, five, ten, twenty-five, and thirty-four of an Act entitled an Act to alter and amend the several Acts incorporating the city of Macon, approved December 27th, 1847, and sections one and two of an Act to alter and amend an Act entitled an Act to alter and amend the several Acts incorporating the city of Macon, [approved December 27th, 1847,] and to abolish the office and duty of assessors, approved February 21st, 1850, be and the same are hereby repealed.

Laws repealed. 164. SEC. XXI. That sections two, three, five and six of an Act amendatory of the Acts of December 23d, 1826, December 27th, 1847, and February 23d, 1850, approved January 22d, 1852, be and the same are hereby repealed.

Other secs. repealed. 165. SEC. XXII. That section thirty-eight of an Act to amend the several Acts incorporating the city of Macon, approved December 28th, 1853, and sections one and seven of an Act to amend the several Acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city, approved March 21st, 1866, be and the same are hereby repealed.

Repealing other sections. SEC. XXIII. That sections two, three, four, five, six, seven, eight, ten and thirteen of an Act to amend the several Acts incorporating the city of Macon, to divide the city into wards, provide for an election, and for other purposes, approved September 30th, 1870, be and the same are hereby repealed.

Repealing other sections. SEC. XXIV. Repeals conflicting laws.
Approved December 11th, 1871.

Town of Morgan—Montezuma.

No. CXV.—(O No. 123.)

An Act to amend an Act incorporating the Town of Morgan, in Calhoun county, approved March 5th, 1856.

166. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the second section of the above recited Act be so amended as to read, “over the space of one thousand yards in every direction,” instead of (over the space) of four hundred yards in every direction; that the Morgan Camp-ground, lying near said town of Morgan, shall be under the control and supervision of the Town Council of said town, and subject to its corporate authority. Limits enlarged.
Morgan camp ground.

167. SEC. II. That the commissioners of said town shall have power and authority to grant license for the retail of spirituous liquors within the corporate limits of said town, under such rates as they may prescribe, and to levy such taxes on the property of the citizens of said town, as may be necessary to carry on its municipal government. Commissr's to grant liquor licenses and levy taxes.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXVI.—(O No. 190.)

An Act to incorporate the Town of Montezuma, in the county of Macon, and to provide for an election of Mayor and Aldermen for the same, approved November 12th, 1870.

168. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the municipal government of the town of Montezuma shall consist of a Mayor and four Aldermen, who are hereby constituted a body corporate, under the name and style of the Mayor and Council of the town of Montezuma, and by that name and style shall have perpetual succession, shall have a common seal and be capable in law and equity to purchase, have and hold, receive, enjoy, possess, and retain to them and their successors for the use of the town of Montezuma, any estate or estates, real or personal, of whatsoever kind or nature within the jurisdictional limits of the town of Montezuma, and shall, by the said name, be capable to sue and be sued in any Court of law or equity in this State, and shall succeed to all the rights and liabilities of the present corporation of the town of Montezuma, except as otherwise herein provided, and the corporate limits of the town shall be the same as those now established by law. Incorpor'd.
Name and general powers of corporat'a

169. SEC. II. That the second section of the above recited Act be repealed, and in lieu thereof, enact the following: That the cor-

Election of officers.

Substitute
for clause
of Act of
1870.

porate limits of said town shall extend one half mile in every direction from the Southwestern Railroad Depot: *Provided*, that this section shall not be so construed as to subject the corporation aforesaid to the liability of keeping the bridge and turnpike, or dirt embankment connected to the bridge, or either of them, now erected over Beaver creek, within said corporate limits in repair, further than to replace a broken plank or planks, and fill up washes in the side of the turnpike, or dirt embankment, or either of them, shall be broken down, or washed away by freshets, back-water, or any other cause, said corporation shall not be subject to repair or rebuild them or either of them.

Providing
for election
of officers.

170. SEC. III. That an election shall be held at the Council Chamber, or such other place as the Council may select, in the town of Montezuma, on the fourth Tuesday in November of each year, for a Mayor and treasurer to serve for one year, and until their successors are elected and qualified; and the polls of which election shall be opened at nine o'clock in the forenoon and closed at four o'clock in the afternoon.

Qualifica-
tion of
voters.

171. SEC. IV. That all male citizens qualified to vote for members of the State Legislature, and who shall have paid all taxes legally imposed and demanded by the authorities of the town, and shall have resided six months within the State and thirty days within the jurisdictional limits of said town, and no other persons shall be qualified to vote at said election for Mayor and Aldermen and a clerk and treasurer, and in case any person otherwise qualified to vote at said election shall move into the town after the time for giving in his taxes and whose name shall not appear on the tax book of the preceding year, he shall, in order to entitle him to vote, report his name to the Clerk of Council before the opening of the polls, in order that he may be enrolled among the tax paying citizens.

Election—
how held.

172. SEC. V. That the said election shall be held under the superintendence of a Justice of the Peace or Notary Public, and two freeholders, who shall be appointed by the Town Council at least five days before the election; and each of the said freeholders before entering upon his duties shall take an oath or affirmation before some Justice of the Peace or Notary Public that he will faithfully and impartially conduct said election and prevent all illegal voting, to the best of his skill and power; and in case the said managers of said election shall have any reasonable doubts as to the qualifications of any voter, they shall have power to administer the following oath: You, A B, do solemnly swear or affirm, (as the case may be,) that you have attained the age of twenty-one years; that you are a citizen of the United States, and have resided for the last thirty days within the jurisdictional limits of the corporation of the town of Montezuma, and have paid all taxes legally imposed and demanded of you by the Town Council of Montezuma, so help you God. And any person who shall take either of said oaths (or affirmation) and shall

Oath of officers elect.

have sworn (or affirmed) falsely, shall be liable to indictment and punishment for perjury.

173. SEC. VI. That the person, or persons, who shall receive the highest number of votes at said election for Mayor, and Aldermen, and clerk, and treasurer, respectively, shall be declared duly elected. Highest vote to determine election.

174. SEC. VII. That in case of any vacancy among the members of Council, either by death or resignation, failure to elect, removal from the town, or removal from office, the Mayor shall advertise a new election to fill the vacancy, and in case of the death of the Mayor, his resignation, removal from office, or removal from the town, the Town Council shall order an election for filling the vacancy, in each case giving ten days' notice in two or more public places in the town. Vacancies, how filled.

175. SEC. VIII. That after the votes for Mayor and Aldermen, at any election, shall have been counted by the managers, they shall cause two certified copies of the tally sheets to be made out, one of which shall be handed over to the Mayor for the time being, and the other shall be retained by the managers; and so soon as the Mayor as aforesaid, shall be informed of the result of said election, he shall cause the persons elected to be notified by the same, and the persons elected as aforesaid shall attend on the first Wednesday thereafter, at the Council Chamber, for the purpose of organizing the Council, and after the Council shall take and subscribe, before a Justice of the Peace or Notary Public, for the county of Macon, the following oath: I, A B, do solemnly swear, (or affirm,) as the case may be, that I will well and truly perform the duties of (Mayor or member of the Council, as the case may be,) of the Town Council of Montezuma, by adopting such measures as shall, in my judgment, be best calculated to promote the general welfare of the inhabitants of the town of Montezuma, so help me God; and shall forthwith enter upon the duties of their offices. Mayor and Aldermen elect. Oath of Mayor, etc.

176. SEC. IX. That in case the Mayor or any member of the Council, while in office, shall be guilty of any wilful neglect, malpractice or abuse of the power confided to him, he shall be cited by the Clerk of the Council, by order of the Mayor or the Council, to appear before the Council at the next regular meeting thereafter and stand his trial, and if found guilty of said wilful neglect, malpractice or abuse of power, he shall be removed from office by a two-thirds vote of said Council, and he shall moreover be subject to be indicted before the Superior Court of the county of Macon, and on conviction shall be fined in a sum not exceeding one hundred dollars; and the said fine shall be paid to the town treasurer for the use of the town. Trial of Mayor, etc. for neglect, etc. Penalty.

177. SEC. X. That no person shall be eligible as Mayor of the town of Montezuma, unless he be a freeman of the age of twenty-five years, a citizen of the United States, and shall have resided within the corporate limits of said town two years immediately preceding his election. And no person shall be eligible as a member of the Qualifica'n of Mayor, etc.

Mayor may impose fines and penalties

Town Council unless he be a citizen of the United States, a freeman, and shall have attained the age of twenty-one years, and shall have resided within the corporate limits of said town one year immediately preceding his election.

Mayor and Council to appoint marshal and other officers. 178. SEC. XI. That the said Mayor and Council of the town of Montezuma shall have power to appoint a marshal and deputy marshal, and such officers of the town as they may deem necessary and proper, and shall have power to regulate the mode and manner of electing said officers, to establish their fees and salaries, to take their bonds, to prescribe their duties and their oaths, and to remove them from office for a breach, neglect or incapacity to discharge the said duties, at their discretion.

Mayor may inflict fines and penalties. 179. SEC. XII. That the Mayor of the town of Montezuma shall have power to impose fines for violations of any ordinance of the town, passed in accordance with its charter, to the amount of one hundred dollars, and to imprison offenders in the common jail of Macon county, or guard house of the town, for the space of one month; the said fine, after being duly assessed, shall be collected by execution, to be issued by the town treasurer against the estate of said offender, if any to be found; if none, the offender may be imprisoned, as before provided.

Mayor's Courts. 180. SEC. XIII. That the Mayor and Council shall have power to continue the Mayor's Court, and the Mayor or acting Mayor shall preside therein and hold sessions daily, or as often as necessary to clear the guard house. He shall have cognizance of all offenses against the ordinances of the town, and may punish all violations of such ordinances as above provided in section twelve, or by compulsory labor on the public streets or in the work-house, for the same term, or both fine and imprisonment, or fine and compulsory labor on the public streets, at the discretion of the Mayor, when the ends of justice require it, and the said Mayor and Council shall have full power and authority to pass all ordinances necessary and proper to carry into effect the powers herein granted, or by the provided Act of the General Assembly, 1870.

Powers of Mayor and Council. 181. SEC. XIV. That the said Mayor and Council of the town of Montezuma shall have full power and authority to remove or cause to be removed any buildings, posts, steps, fence, or other obstruction or nuisance in the public streets, land, alleys, sidewalks, or public squares in said town. They shall further have power to establish a market or markets in the town of Montezuma, and to pass such ordinances as may be proper and necessary for the regulation of the same; they shall have power to license, regulate and control all taverns and public houses within the town; they shall have power to regulate all butcher pens and slaughter houses within the town and remove the same if they shall become nuisances or injurious to the health of the town; they shall have power to license drays, and regulate the same; and further, the said Mayor and Council shall have full power and control.

182. SEC. XV. That the said Mayor and Council shall have power to license auctioneers and vendue masters, annually, for the town, charging therefor such sum as they may deem proper, and to tax all goods sold on commission, or at auction, within the limits of the town.

Auction'rs,
etc., to be
licensed.

183. SEC. XVI. That the said Mayor and Council of the town of Montezuma shall have the sole and exclusive right of granting license to sell liquors, and to sell by retail, liquors in the town of Montezuma, and of fixing the rate of such license, and the terms upon which they shall be issued, of declaring said license void when said terms are not complied with; they shall also have power to license, regulate and control all ten pin alleys within the town, and to remove the same when they become nuisances through the neighborhood.

Power as
to liquor
licenses.

184. SEC. XVII. That the said Mayor and Council of the town of Montezuma shall have power to tax all theatrical performances, exhibitions or shows of any kind within the corporate limits of said town.

Shows and
theatres.

185. SEC. XVIII. That the said Mayor and Council of the town of Montezuma shall have power to remove any forge or smith shop when in their opinion it shall be necessary to insure safety against fire; they shall have power to cause any stove, stove-pipe, or other thing which shall endanger the town as to fire, to be removed or remedied, as their prudence shall dictate.

May use
means to
protect
against
fire.

186. SEC. XIX. That the said Mayor and Council of the town of Montezuma shall, during the month of April in each year, appoint five fit and proper persons who shall constitute the board of health, three of whom shall constitute a quorum, to meet weekly or as often as may be necessary, to visit all and every part of the town, and report to the Council all nuisances which are likely to endanger the health of the town or of any neighborhood. And the said Mayor and Council shall have power, upon the report of the board of health, to cause any such nuisance to be abated, and their recommendation carried out in a summary manner, at the expense of the party whose act or neglect caused such nuisances, or of the owner of the premises, as the Council shall elect. And the said Mayor and Council shall have power to fill any vacancies which may occur in the board of health. And should the board of health of said town neglect or refuse to attend to the duties imposed upon them, the Mayor and Council shall act as said board of health, and have the power to remove all nuisances that may be prejudicial to the health of said town, as above provided. And this Act may be pleaded, and shall be a complete defense to any action brought against them (the said Mayor and Council, or either of them,) for any act done by them under its provisions, and of the ordinances passed in pursuance of it.

Board of
health.

187. SEC. XX. That the said Mayor and Council of the town of Montezuma shall have the power, upon the recommendation of the board of health, to cause the owners of lots within the said town to

Powers and duties specified.

Drainage, etc., of lots. drain the same, or to fill the same to the levels of the streets or alleys on which said lot or lots are fronting. Also, to compel the owner or owners of cellars occasionally holding water to cause the same to be emptied of the water, or filled up if necessary. And in case the owner of said lot or lots shall fail or refuse, after reasonable notice to him or his agent, to comply with the requirements of the said Mayor and Council, by filling up said lots or cellars, or by draining the same, it shall be lawful for the said Mayor and Council to employ some person to do the same; and for the amount so expended, the town treasurer shall forthwith issue an execution against the owner of said property, to be collected from said lot or any other property belonging to him; and a sale under said execution by the marshal or deputy marshal shall pass the title to the property sold as completely as a sale under a judgment and execution by the sheriff.

Stray cattle impounded 188. SEC. XXI. That the said Mayor and Council of the town of Montezuma shall have power to take up and impound any horses, mules, cattle or hogs running at large within the limits of said town, and to pass such ordinances as may be deemed by them necessary for the proper regulation of stock within the town.

Town guard to be established. 189. SEC. XXII. That the said Mayor and Council of the town of Montezuma shall have power to establish and regulate a town guard who shall have the right to take up all disorderly persons committing or attempting to commit any crime and commit, them to the guard house or common jail of Macon county to await their trial the next day: *Provided*, that all who may be arrested on Saturday evenings for disorderly conduct or crime in said town may be kept confined in the guard house or jail until the next Monday morning following, when they shall stand their trial before the Mayor's Court.

Marshal to prosecute offenders. 190. SEC. XXIII. That it shall be the duty of the marshal or deputy marshal of the town, upon notice in writing, from the Mayor or any member of the Council, to prosecute all offenders against the laws of this State for crimes committed within the limits of the town of Montezuma; and in case any offense shall be committed in the presence of said marshal or deputy marshal, or within his knowledge, it shall be his duty to prosecute without such notice.

Tax returns. 191. SEC. XXIV. That hereafter it shall be the duty of all tax payers and owners of real estate in the town of Montezuma, and they are hereby required to make their returns, under oath, of the value of their property in said town, held in their own right or in the right of others: *Provided*, always, however, that the Mayor and any two members of the Council selected for that purpose, together with the Clerk of Council, shall have power to supervise all returns made by tax payers, and if, in their opinion, any of such returns are incorrect in fixing the value of the property in the same, then to correct any such returns thus incorrectly made by affixing or assessing such higher value as in their opinion may be proper and right.

192. SEC. XXV. That the Mayor and Council of the town of Montezuma shall have power and authority to levy and collect a tax

Powers of Mayor and Council.

upon all property, real or personal, within the limits of the town; upon banking, insurance, and other capital employed therein; upon bank and insurance agents; upon salaries and incomes derived from property within the town; upon factors, brokers and vendors of lottery tickets; upon agents or managers of gift enterprises, and upon all other persons exercising within the town any profession, trade, calling or business of any nature whatever: *Provided*, that no tax upon real estate or stock in trade shall exceed one per cent. upon the value thereof. ^{Tax to be levied.}

193. SEC. XXVI. That the said Mayor and Council shall have power to compel each male inhabitant of the town, between the age of sixteen and fifty years, to work ten days on the streets under the direction of the marshal, or deputy marshal, or overseer of the streets, and in case of failure or refusal so to work, or pay such tax, the Mayor and Council may enforce the same by compulsory labor thereon, at their discretion. ^{Who to work the streets.}

194. SEC. XXVII. That the said Mayor and Council of the town of Montezuma, shall have full power and authority to regulate, lay out, direct and control the streets, and grading the same, to assess a tax for the payment of the damages caused by the same, when the property of any person may be injured thereby, and that all streets, alleys, sidewalks, pavements and streets crossings shall be under the control, power and direction of the said Mayor and Council, and they shall have full and complete power and right to direct the mode and manner, and style in which all streets, crossings, sidewalks, and pavements shall be constructed, paved, or unpaved, and in case of a failure or refusal of any property owner, after notice to comply with the ordinance passed by said Mayor and Council, in reference to the construction, paving or repairs of sidewalks, pavements or street crossings, said Mayor and Council are hereby authorized and empowered to fine said owners in a sum not exceeding twenty dollars, and levy and collect the same by execution. ^{Power to lay out streets.}

195. SEC. XXVIII. That the said Mayor and Council, or a majority of the Council, shall have power to elect a Mayor *pro tem.*, who shall be clothed thereby with all the rights, privileges and duties of the Mayor elect, when, and during the sickness or absence of the Mayor, upon taking the usual oath, and not otherwise; a judgment of acquittal or conviction by said Mayor may be, and shall be pleaded in bar in any Court for the same offense: *Provided*, said Mayor has jurisdiction. ^{Mayor pro tem.}

SEC. XXIX. Repeals conflicting laws.
Approved December 14th, 1871.

No. CXVII.—(O No. 115.)

An Act to repeal part of Section VIII. of an Act entitled an Act to incorporate the town of Preston, in the county of Webster, and for other purposes.

Words in
Act of in-
corporat'n
erased.

196. SECTION I. *Be it enacted, etc.,* That the words "residence of W. B. Stallings," in the fifth line of the VIII. Section of the afore-said Act be, and the same is hereby erased.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXVIII.—(O No. 172.)

An Act to incorporate the town of Resaca, and for other purposes.

Incorpor'd
Limits of
corporat'n

Election
of commis-
sioners, etc

197. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the present inhabitants of the town of Resaca and those that may hereafter reside within one-half of a mile in every direction from the Western and Atlantic Depot in the town of Resaca, in the county of Gordon, be, and they are hereby made and constituted a body corporate, by the name and style of the town of Resaca, and the said inhabitants who are legally qualified voters, shall meet at some place within the corporate limits of said town on the first Saturday in February next, and on the first Saturday in January in each year thereafter, and elect five commissioners and treasurer, who shall serve twelve months, or till their successors are elected and qualified. Said officers shall be elected from the citizens of said town; the said commissioners shall be vested with a municipal government of said town of Resaca; the commissioners, under that name and style, may have a common seal, and may, under said name and style, sue and be sued in any Court of law and equity in this State, and may have, purchase, possess and hold real or personal property.

Clerk and
Marshal.

198. SEC. II. That the election for said officers shall be held by a Justice of the Peace and a freeholder, or by two freeholders; and in the event there should be no election at the time specified, then the commissioners shall set a day and give ten days' notice of the same, and in case of death or resignation an election may be held by the commissioners, fixing a time and giving ten days' notice. The commissioners shall elect a marshal from the citizens of said town, and a clerk from their own body.

Officers to
take oath.

199. SEC. III. That the said officers, before entering upon their duties as such, shall take and subscribe to the following oath, to-wit: I, A B, do solemnly swear or affirm, I will faithfully perform the duties of Commissioner, treasurer, or marshal, (as the case may be), of the town of Resaca.

Subscription in Memphis Branch Railroad.

200. SEC. IV. That the said commissioners shall have power and authority to assess and collect a tax not to exceed one-fourth of one per cent. on all real and personal property within the corporate limits of said town, and said tax shall be used by the commissioners for the benefit of said town; and any person liable who shall fail to pay such a tax as may be imposed on him by the commissioners for the purpose of working or improving the streets of said town, shall be required to work on the streets of said town in the same manner and under the same penalties as provided for in the Code of Georgia for working the public roads; said amount imposed shall be in the discretion of the Council, not to exceed five dollars. ^{Powers of commissioners.}

201. SEC. V. That the commissioners shall have full power and authority to make laws, rules and regulations for the proper government of said town, impose and collect fines of not over twenty dollars, and imprisonment of not over ten days, for any one violation of the said by-laws, rules and regulations of said corporation. ^{Commissioners may make laws, etc.}

202. SEC. VI. That said commissioners shall have power to tax all shows performing for the purpose of gain in said town, and also, all itinerant traders; and said commissioners may license liquor dealers and charge for the same not exceeding one hundred dollars, the dealer being relieved of the present bond and tax to the county; but shall give bond to the commissioners and make the oath now prescribed by law; said commissioners may tax all ten pins or other ball alleys and billiard tables in said town, and shall have full power to collect all taxes and fines and penalties in such a manner as they may see proper. ^{Power of taxation.}

203. SEC. VII. That the commissioners shall have power and authority to dismiss from office said marshal, for any failure or neglect to perform the duties of said office, and choose any other. They shall have power to require such bond of the marshal and treasurer as they see proper, regulating the salaries of the same. ^{May dismiss marshal.}

SEC. VIII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXIX.—(O No. 8.)

An Act to amend an Act entitled an Act to authorize the Mayor and Council of the City of Rome to subscribe not exceeding one hundred thousand dollars of stock in the Memphis Branch Railroad, upon certain conditions, and for other purposes, approved October 13th, 1870.

204. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the first section of the above recited Act be amended by striking the word "annually," the last word in said section, and inserting the word "semi-annually" in lieu thereof.* ^{Act of 1870 amended.}

Incorporating the town of Rutledge.

205. SEC. II. That all the provisions and stipulations of said amended Act and the amendments thereto be of full force, in relation to the subscription of the city of Rome of one hundred thousand dollars to the North and South Railroad.

SEC. III. Repeals conflicting laws.

Approved December 1st, 1871.

No. CXX.—(O. No. 142.)

An Act to incorporate the Town of Rutledge, in the County of Morgan, State of Georgia, appoint Commissioners for the same, and for other purposes.

206. SECTION. I. *The General Assembly do enact*, That Elijah Mosely, Mathew Reynolds, Benjamin Holdin, Joseph Stewart Rice, and their successors in office, be, and they are hereby appointed commissioners and made a body corporate under the name and style of the Town Council of Rutledge, and shall hold their office until the first of February next, and until their successors are elected and qualified.

207. SEC. II. That on the 1st day of February next, and on the 1st of January, in each subsequent year, an election shall be held at the Court House in said town for five commissioners to serve one year next after their election, and until their successors are elected and qualified, at which election no person shall be entitled to vote, who has not been a resident within the corporate limits of said town for twenty days before the election, and not authorized to vote for members of the General Assembly, at which election three respectable citizens, residents in said town, to be appointed by the Ordinary of the county, may preside and conduct the same, the persons so appointed shall have five days' notice of their appointment, except appointments made to serve in the place of those who refuse to serve.

208. SEC. III. The corporate limits of said town shall be six hundred yards square, the Georgia Railroad being the southern line.

209. SEC. IV. The Town Council shall, at its first meeting after their election and qualification, elect from their own number a presiding officer, who shall be styled Chairman of Council, and appoint a clerk and marshal, who shall hold their office during the pleasure of the Council, and give bond for the faithful performance of duty, payable to the Chairman of Council and his successors.

210. SEC. V. A majority of said Council shall constitute a quorum for business, and shall have power necessary to pass ordinances necessary to regulate liquor traffic within the corporate limits of said town; to grant license and fix the price for the same: *Provided*, they shall not charge more than one hundred dollars for such license; to suppress gambling, and any and all species of crime, the punish-

To punish certain persons.

ment of which is usually vested in the Council of corporate towns: *Provided*, they shall not fine a person more than twenty dollars for a violation of any ordinance, nor imprison more than ten days, to compel all persons, residents of said town, who are under the laws of (this) State, subject to road duty, to work the streets of said town for ten days in each year, or in lieu thereof, to pay the sum of five dollars each, upon the payment of which, they are relieved from road duty; to pass all ordinances necessary to promote the interest of said town, not repugnant to the Constitution and laws of Georgia, and the Constitution of the United States; they shall have power to enforce obedience to their ordinances by fine or imprisonment, or both, fines not to exceed ten dollars for any violation of an ordinance, and imprisonment not longer than ten days.

211. SEC. VI. The persons named in this Act, and their successors shall, before entering upon the discharge of their duties, take an oath that they will faithfully and impartially discharge the same. Commissioners to take oath.

SEC. VII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXXI.—(O. No. 143.)

An Act to punish any person, or persons, who shall assume to perform the duties of Constable in the City of Savannah, unless he or they have been elected, appointed and qualified in accordance to the statute of the State of Georgia.

212. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, etc.*, That any person, or persons, who shall in any manner perform, or attempt to perform, the duties of constable, in the city of Savannah, and who has not been elected, appointed and qualified as directed by the statute of this State, it shall be the duty of the Solicitor General, upon the fact being brought to his notice, to present a bill of indictment against any person, or persons, so offending, in the Superior Court for the county of Chatham, or in the City Court of Savannah, for the offense of a misdemeanor, and on conviction he or they shall be fined for the first offense in the sum of one hundred dollars, and for the second offense shall be fined and imprisoned at the discretion of the Court. Persons assuming illegally the duties of constable—how punished.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXXII.—(O No. 122.)

An Act to incorporate the Town of Sharpsburg, in the county of Coweta, and for other purposes.

213. SECTION I. *The General Assembly of the State of Georgia do enact*, That William M. Jones, J. E. Pankey, Elias Sharp, R. E. Pitman and R. A. North be, and they are hereby appointed commissioners of the town of Sharpsburg, in the county of Coweta, Georgia, with power and authority to make such by-laws for the government of said town as may be necessary for the preservation of good order: *Provided*, said by-laws be not repugnant to the Constitution and laws of this State, or to those of the United States.

214. SEC. II. That the said town of Sharpsburg is hereby incorporated, and the limits of the incorporation shall extend from the depot of the Savannah, Griffin and North Alabama Railroad in said town, in every direction, for one half mile.

215. SEC. III. That the commissioners herein named and appointed shall hold their appointments until the first Saturday in January, 1872, when an election shall be held in said town, superintended in the same manner as an election for Justice of the Peace, for five commissioners, and all persons entitled to vote for members of the General Assembly who may have resided within the limits of said town during the ten days preceding the election, or may hold freehold property within the incorporate limits of said town, shall be entitled to vote for said commissioners, and said commissioners shall be elected annually thereafter in like manner.

216. SEC. IV. That the commissioners so appointed or elected shall, as soon as convenient, appoint one of their number president, and shall also have power to appoint a marshal, treasurer and clerk, all of whom shall be sworn severally to discharge the duties required of them, to the best of their ability, during the time they may hold their appointment.

217. SEC. V. That the said president and commissioners, or a majority of them, shall hold their meetings at such times and places within said town, as they may deem proper; shall have power to levy a tax on all real and personal property within the limits of said town, and for the benefit thereof: *Provided*, said tax shall not exceed fifty per cent. on the State tax. They may pass rules and regulations for taxing ten pin alleys, billiard tables and other establishments calculated to encourage idleness, or shows performing or exhibiting for purpose of gain, and itinerant traders within the limits of said town; and shall have full power to tax and regulate the sale of spirituous liquors, and other intoxicating drinks, within the limits of said town of Sharpsburg: *Provided*, persons selling such liquors under a license from said commissioners, shall not be exempt from also purchasing like license from the county authorities. Said commissioners shall also have power to pass laws enforcing order, for

For the better regulation of the town of Sparta.

removing nuisances, and for the promotion of peace and good order. They shall have power to punish offenders against their by-laws by fine and imprisonment: *Provided*, such fine shall not exceed twenty dollars, or five days imprisonment for each violation of their by-laws. They shall also have power to call out such persons as are liable to perform road duty, and who reside within the limits of said incorporation, to work on the streets of said town of Sharpsburg, for a time not exceeding ten days in one year.

218. SEC. VI. That the said president and commissioners shall require bond and security of their marshal and treasurer and clerk, in such amount as they may deem proper, and allow them such compensation for services as said commissioners may deem just and proper. Officers to give bond.

SEC. VII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXXIII.—(O No. 27.)

An Act to amend an Act for the better regulation and government of the Town of Sparta, in the County of Hancock, and the Acts amendatory thereof, and for other purposes.

219. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That an Act to amend an Act entitled an Act for the better regulation and government of the town of Sparta, in the county of Hancock, and to amend an Act amendatory thereof, passed the 13th day of December, 1816, and for other purposes, approved December 21st, 1822, be and the same is hereby so amended as to confer upon the "board of commissioners in said town," provided for by the above recited Acts, sole and exclusive jurisdiction over the sale of liquors within the corporate limits of said town, and from and after the passage of this Act, no person except the licensed druggist shall be allowed to sell liquor within said corporate limits until he shall have procured from the said board of commissioners the license, which said board, under the foregoing recited Acts, have authority to issue upon the terms therein prescribed. Commissioners to regulate the sale of liquor.
Dealers to procure license.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXXIV.—(O No. 37.)

An Act to incorporate the Town of Tilton, in the County of Whitfield, and to appoint Commissioners for the same, and for other purposes therein named.

220. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That J. J. Martin, Dr. B. F. Chapman, H. H. Green, W. L. Brown, A. Hall and J. M. Defoor be, and they are hereby appointed commissioners of the town of Tilton, in Whitfield county, Georgia, with power and authority to make such by-laws for the government of said town as may be necessary for the preservation of good order: *Provided*, such by-laws be not repugnant to the Constitution and laws of this State or of the United States.

221. SEC. II. That the said town of Tilton is hereby incorporated and the limits of the incorporation shall extend from the bridge across Conasauga river, near Jeffrie Beeks, up said river to mouth of Swamp creek, up said creek to the mouth of the hollow above old mill site, thence direct south to Lick creek, thence down said creek to public road, thence on direct line to beginning point.

222. SEC. III. That the commissioners herein named shall hold their office until the first Saturday in January, 1872, when an election shall be held in said town of Tilton, superintended in the same manner as an election for Justice of the Peace, for six commissioners, and all persons entitled to vote for members of the General Assembly who have resided within the limits of said town during the ten days preceding the election, shall be entitled to vote for said commissioners, and said commissioners shall be annually thereafter elected in like manner.

223. SEC. IV. That the commissioners so appointed or elected, shall, as soon as convenient, appoint one of their number president, and shall also have power to appoint a marshal, a treasurer, and clerk, all of whom shall be severally sworn, faithfully to discharge the duties required of them as president, commissioners, marshal, treasurer, and clerk to the best of their ability during the time they may hold their appointment.

224. SEC. V. That the said president, and commissioners, or a majority of them, shall hold their meetings at such time and place within said town as they may think proper; shall have power to levy a tax on real and personal property within the limits of said town, and for the benefit thereof: *Provided*, said tax shall not exceed fifty per cent. on the amount of the State tax; they may pass rules and regulations for taxing ten pin alleys, billiard tables, and other establishments calculated to encourage idleness; said commissioners shall also have power to pass laws for enforcing order, for removing nuisances, and for the promotion of peace and good order, and shall also have power to punish offenders against their by-laws, by fine

To incorporate the town of Whitney.

and imprisonment: *Provided*, such fine shall not exceed twenty dollars or ten days' imprisonment for each violation of their by-laws. Proviso.

225. SEC. VI. That said commissioners shall have power to levy a tax of not exceeding two hundred dollars upon each retail liquor establishment in said incorporation. Tax on liquor dealers.

226. SEC. VII. That the said president and commissioners shall require bond and security for their marshal, treasurer, and clerk, in such amount as they may think proper, and allow them such compensation for services as the said commissioners may deem proper and just. Officers to give bond. Compensation

SEC. VIII. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXXV.—(O. No. 189.)

An Act to incorporate the Town of Whitney, in the County of Calhoun, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors within the corporate limits.

227. SECTION. I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the inhabitants of the town of Whitney, in the county of Calhoun be, and they are hereby declared to be a body corporate, invested with all the rights and powers usually conferred upon such bodies, and that the limits of said city shall extend one mile in every direction from the site of the Methodist church in said village. Incorpor'd Town limits.

228. SEC. II. That Thomas E. Dickey, C. M. Davis, Theodore McFadden, J. H. Sems, and J. H. Clements, are hereby declared commissioners of said village, who shall hold their office until the second Monday in December, 1872, and until their successors are elected and qualified. First commissioners.

229. SEC. III. That on the second Monday in December, 1872, it shall be the duty of the citizens of said village, qualified to vote for members of the General Assembly, to elect five commissioners, who shall hold their offices until the second Monday in December next thereafter, and until their successors are elected and qualified; and so on, for each succeeding year, said commissioners shall organize by electing a chairman and secretary out of their members, who shall serve in said capacity during the term of office of said commissioners. Providing for election

230. SEC. IV. That said election may be held by any two freeholders of said village, to be appointed by said commissioners, and said freeholders or judges of election, having been qualified by oath, shall give certificates of election to the five candidates, who shall have received the highest number of votes, and the chairman of the acting board, shall immediately, or as soon thereafter as practicable, swear them into office, turning over to them at the same time all the books, papers, funds or other property belonging to the body corporate. Election—how held.

Regulates the sale of spirituous liquors.

Powers of
commiss'rs.

231. SEC. V. That said commissioners shall have power to appoint a marshal for said village, and to pass and enforce any ordinances which they may deem necessary for the preservation of the order, peace, prosperity, health and comfort of said village, or that the interest of the schools and institutions of learning, within the corporate limits may, within their judgment, demand, the same not being repugnant to the Constitution and laws of this State or of the United States. Said marshal shall have power to suppress all disorder and to arrest those engaged in making it, and for this purpose shall be empowered to summon a posse of the citizens when necessary to aid him in so doing, and bring such offenders before the commissioners, who shall have power to enforce their judgments by fine or imprisonment within such prison as may be erected in said village, or in the common jail of said county of Calhoun: *Provided*, said fine shall not exceed the sum of fifty dollars, and such imprisonment shall not exceed ten days, and it is hereby made the duty of the jailor of said county to receive any person committed to his custody by order from said commissioners, or a majority of them, and to keep him in safe custody until discharged by lawful authority, and for which service he shall be allowed the usual fees now allowed by law.

License to
sell ardent
spirits.

232. SEC. VI. That from and after the passage of this Act, no spirituous or intoxicating liquors of any kind shall be sold within the corporate limits of said village by any person, without first obtaining from said (board of) commissioners a license to sell and retail spirituous liquors within the limits of said village, which board is hereby authorized and empowered to issue said license upon such terms as they may prescribe: *Provided*, that said board shall not be allowed to charge a higher rate for such license than the rate of one thousand dollars for each year's license, and every person violating the provisions of this section shall be subject and liable to all the pains and liabilities now by law inflicted upon persons who may retail spirituous liquors without license in the State.

SEC. VII. Repeals conflicting laws.

Approved December 14th, 1871.

Banks and Insurance Companies.

TITLE II.

CORPORATIONS.

DIVISION I.—BANKS AND INSURANCE COMPANIES.

DIVISION II.—MANUFACTURING AND MINING COMPANIES.

DIVISION III.—RAILROADS AND CANALS.

DIVISION IV.—OTHER CORPORATIONS.

I.—BANKS AND INSURANCE COMPANIES.

COMMERCIAL BANK OF ALBANY.

SECTION.

1. Incorporated; corporators; location and name; capital stock.
2. General powers.
3. Organization.
4. Term of service of directors and president.
5. Board of directors.
6. Directors to regulate transfers of stock.
7. Defaulting stockholders.
8. Meetings of stockholders, how called.
9. Powers of corporation.
10. To receive deposits, pay interest thereon, etc.
11. To receive goods on storage.
12. May establish agencies.
13. Liability of stockholders.
14. Returns to be made to Governor.
15. Duration of charter.
16. Conditions of forfeiture of charter.

DOLLAR SAVINGS BANK OF FORT VALLEY.

17. Incorporated; corporators; principal office and powers.
18. Capital stock.
19. Board of directors.
20. Trust powers; may establish agencies; books of subscription.
21. Minutes of the board; stock, how transferred.
22. Dividends to be declared and statements published.
23. Installments; term of charter; stockholder's liability.

EXCHANGE BANK OF MACON.

24. Incorporated; corporators; name and powers.
25. Capital stock.
26. Organization.
27. Minutes of proceedings to be kept.

SECTION.

28. First and subsequent assessments; transfers of stock.
29. By-laws; dues; agents.
30. Directors to make annual statement.
31. Corporators to open books of subscription; duration of charter.

LA GRANGE BANKING & TRUST COMPANY.

32. Incorporated; corporators; name and powers.
33. Capital stock.
34. Powers and privileges.
35. May receive and invest trust moneys.
36. To be managed by five directors.
37. Corporators to open books; directors, how elected.
38. Principal office; agencies; by-laws.
39. Minutes to be kept; liability of stockholders.
40. Dividend to be declared.
41. What stockholders may call convention.
42. Installments; how paid.
43. Semi-annual statements to be made.
44. Legal interest only to be charged.
45. Duration of charter.

MERCHANTS' AND MECHANICS' SAVINGS BANK OF COLUMBUS.

46. Incorporated; corporators; name and powers.
47. Capital stock.
48. Installments and mode of payment.
49. Failure to pay.
50. Organization.
51. Powers of corporation.
52. Powers as to trusts.
53. Liability of stockholders.
54. Qualification of voters.
55. Duration of charter.

MECHANICS' & TRADERS' B'K OF GEORGIA

56. Incorporated; corporators; name and powers.

Manufacturing and Mining Companies.

SECTION.

- 57. Capital stock.
- 58. Installments.
- 59. Failure to pay.
- 60. Principal office and agencies; president and directors.
- 61. Cashier; directors; their term of office.
- 62. Corporate rights.
- 63. Annual meetings.
- 64. Commissioner appointed.

GEORGIA MUTUAL FIRE AND LIFE INSURANCE COMPANY.

- 65. Amending charter; amending sections.
- 66. Five directors to be elected.
- 67. Election of officers.

GATE CITY INSURANCE COMPANY.

- 68. Name changed.
- 69. Capital may be increased.
- 70. Section repealed.

MERCHANTS MUTUAL INSURANCE COMPANY.

- 71. Capital stock.
- 72. Corporators and general powers.
- 73. Board of directors; organization.
- 74. Powers of Company.
- 75. Other powers of officers.
- 76. Claims for losses—how payable.
- 77. Demands payable at office of company.
- 78. Duration of charter. Returns to be made to Governor.

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- 79. Incorporated; corporators; principal office; agencies.
- 80. Mode of voting at meetings of stockholders.
- 81. Provision for election.
- 82. In relation to insurance.
- 83. How premiums may be paid.
- 84. Duty of insured in case of loss.
- 85. General powers of corporation.
- 86. Property insured bound for premium.
- 87. Members in default.
- 88. Who may call meetings.
- 89. When company may issue policies.
- 90. Right of person insured upon return of policy.

IL.—MANUFACTURING AND MINING COMPANIES.

WAYMON AND FRANKLIN MANUFACTURING COMPANY.

- 91. Incorporated; corporators; name and powers.

SECTION.

- 92. Capital stock.
- 93. Corporators to open books; organization.
- 94. Annual meetings and elections.
- 95. Secretary and treasurer.
- 96. Directors to act till successors are elected.
- 97. Directors to adjust books annually.
- 98. Officers to give bond.
- 99. Liability of stockholders.
- 100. State may tax property of company.

VAN WERT STATE MINING COMPANY.

- 101. Incorporated; corporators; name and powers.
- 102. Suits against company.
- 103. Officers of company.

OGLETHORPE FERTILIZING COMPANY.

- 104. Incorporated; corporators; name and powers.
- 105. Object of corporation.
- 106. Powers of company.
- 107. Stock, elections, etc.
- 108. Capital stock.
- 109. Duration of charter.

GEORGIA DIAMOND MINING COMPANY.

- 110. Incorporated; corporators; powers.
- 111. Capital stock.
- 112. By-laws and officers.
- 113. Principal office.

GRAND BAY PAPER MANUFACTURING COMPANY.

- 114. Incorporated; corporators; name and powers.
- 115. Objects.
- 116. Capital stock.
- 117. Organization.
- 118. Books of proceedings.
- 119. Duration of charter.
- 120. Individual liability.
- 121. Property exempt from taxation.

FLINT RIVER MANUFACTURING COMPANY.

- 122. Incorporated.
- 123. Corporators to open books.
- 124. Annual meetings.
- 125. Secretary and treasurer.
- 126. Provision in case failure of election.
- 127. Directors to make annual statement.
- 128. Officers to give bond.
- 129. Liability of stockholders.
- 130. Right of taxation reserved.
- 131. Capital stock.

Railroads and Canals.

EXCELSIOR STATE MINING COMPANY.

SECTION.

- 132. Incorporated.
- 133. Officers.
- 134. Service in suits against company.

CHATTAHOOCHEE MANUFACTURING COMPANY.

- 135. Incorporated.
- 136. May build locks, etc.
- 137. Capital stock.
- 138. First board of directors.
- 139. Shares; how transferable.
- 140. Duration of charter.

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- 141. Athens and Clarksville — Act amended.
- 142. Further amendment.
- 143. Repealing clause.

ATLANTIC, FORT VALLEY AND MEMPHIS.

- 144. Incorporated; corporators and corporate name.
- 145. Principal office and powers.
- 146. Capital stock.
- 147. Issue of stock.
- 148. Elections.
- 149. Powers of company.
- 150. Right of way.
- 151. Exclusive rights of company.
- 152. Trespassers on road.
- 153. President and directors to exercise powers of company.
- 154. Installments; forfeiture for non-payment.
- 155. Rights of company.
- 156. Duration of Charter.
- 157. Taxation limited.
- 158. Meetings of stockholders.
- 159. Company may issue bonds.
- 160. Duration of charter.

ATLANTA AND LOOKOUT.

- 161. Charter amended.

AMERICUS AND ISABELLA.

- 162. Charter amended; substitute for 2d section.
- 163. Subscriptions, how paid.

ATLANTIC AND GREAT WESTERN CANAL.

- 164. Charter amended; time of elections.
- 165. Authorized to take land for use of canal.
- 166. In case contract cannot be made.

SECTION.

- 167. Company to pay damages.
- 168. Vacancies in board, how filled.

ATLANTA AND BLUE RIDGE.

- 169. Charter amended; additional corporators.
- 170. Incorporated.
- 171. Reorganization provided for.

CHATTOOGA COAL AND IRON AND THE TRION RAILROAD.

- 172. Roads consolidated; Coal and Iron Railway.

ELBERTON AND AIR LINE RAILROAD.

- 173. Incorporated; corporators.
- 174. General powers of company.
- 175. Capital stock.
- 176. Powers of company.
- 177. Company to take land for subscriptions.
- 178. May unite with other companies.

HAWKINSVILLE AND EUFAULA.

- 179. Incorporated; corporators; name and powers.
- 180. Further powers.
- 181. Capital stock.
- 182. Organization of company.
- 183. May lease connecting roads.
- 184. Right of way.
- 185. Consent of other companies.

LAGRANGE AND BARNESVILLE.

- 186. Incorporated.
- 187. Capital stock.
- 188. Organization.
- 189. Installments.
- 190. President and vacancies.
- 191. May cross other roads.
- 192. Right of way.
- 193. May build branches.
- 194. Succession of members.

LOOKOUT MOUNTAIN.

- 195. To amend charter; additional corporators.
- 196. Further amendments.
- 197. May consolidate with other companies.
- 198. Elections for directors.

MACON AND KNOXVILLE.

- 199. Incorporated; name and location.
- 200. Organization.
- 201. General powers.

Other Corporations.

SECTION.

- 202. Capital stock.
- 203. Additional powers; right of way.
- 204. Land received for subscription.
- 205. May unite with other companies.

MACON AND CHATTAHOOCHEE.

- 206. Incorporated; corporators; name and powers.
- 207. Principal office and location of road.
- 208. Capital stock.
- 209. Right of way.
- 210. Corporate rights.
- 211. Power to lease.
- 212. Duration of charter.

MEMPHIS BRANCH.

- 213. Charter amended.
- 214. Voting at stockholders' meetings.
- 215. Directors and president.
- 216. Installments.
- 217. Former election made valid.
- 218. Directors may issue bonds.

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- 219. Act of October 27, 1870. repealed.
- 220. Charter amended; may change terminus.
- 221. Authorized to construct road to Northern terminus.

ROME AND RALEIGH.

- 222. Incorporated; corporators.
- 223. Organization.
- 224. Capital stock.
- 225. Powers and privileges.
- 226. Right of way.
- 227. Land may be subscribed.
- 228. May consolidate with other companies.
- 229. Towns and cities may subscribe to stock.

SAVANNAH AND THUNDERBOLT.

- 230. Incorporated; corporators; name and powers.
- 231. Capital stock.
- 232. Further powers.
- 233. Right of way.
- 234. Company to construct bridges.
- 235. Exclusive rights.

SECTION.

- 236. Trespass on road.
- 237. Time when company may organize.
- 238. Board may call for installments.
- 239. Certificates and transfers of stock.
- 240. Company may bridge rivers.
- 241. Duration of charter.
- 242. Road may be extended.
- 243. Initial point of road; passage thro' streets.

AUGUSTA CANAL.

- 244. Charter amended; right of way and proceeding in case of disagreement between owner of land and the company.
- 245. Company may widen canal and construct branches.
- 246. May allow the water to be taken for machinery.
- 247. Ordinary to change public road on application of company.

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- 248. Charter amended; authorized to purchase adjacent lands.
- 249. To be held for cemetery purposes.

GRAND LODGE KNIGHTS OF JERICO.

- 250. Charter amended; faith and hope stricken out.

HABERSHAM AND UNION TURNPIKE.

- 251. Charter amended; "25" stricken out, "27" inserted.

MEDICAL COLLEGE OF SAVANNAH.

- 252. Charter amended; number of trustees increased.
- 253. Holders of diplomas may sue for services.
- 254. Construction of Act of December 21st, 1857.
- 255. When Act takes effect; repealing clause.

SCHOFIELD ROLLING MILL.

- 256. Company may pay 10 per cent. interest on bonds.

An Act to incorporate the Commercial Bank of Albany.

No. CXXVI.—(O No. 73.)

An Act to incorporate the Commercial Bank of Albany.

WHEREAS, It is desirable to encourage and introduce capital in the State of Georgia to relieve the necessities of the planting, commercial and manufacturing interests: Preamble.

1. SEC. I. *Therefore be it enacted, etc.,* That Y. G. Rust, Richard Hobbs, Nelson Tift, John A. Davis, Robt. Coleman, Benj. G. Lockett, Samuel Mayer and Leonard E. Welch, of Albany, Georgia, be, and they are hereby constituted and appointed commissioners to open books of subscription to the capital stock of the bank by this Act, to be incorporated and located in the city of Albany, in this State, to be called the Commercial Bank of Albany; said commissioners, or any two of them, are hereby authorized to keep open said books for such time as they think proper, in the city of Albany, and, also, if they deem expedient, in the city of Savannah, and receive subscription to an amount not exceeding in the whole two hundred and fifty thousand dollars, in shares of one hundred dollars each, whereof ten per cent. shall be paid to said commissioners at the time of subscription; all subscriptions shall be binding upon the subscribers, respectively, and their heirs and legal representatives, and be payable in such installments and at such times as the board of directors of said corporation shall prescribe. Corporat'rs
Location
and name.
Capital
stock.

2. SEC. II. That when the subscription authorized by the first section of this Act shall amount to one hundred thousand dollars, and twenty per cent. thereof shall be paid to said commissioners, then the subscribers shall be and become a body corporate and politic with continued succession, under the name of the Commercial Bank of Albany, and by that name shall exercise corporate powers, and be competent to contract and be contracted with, sue and be sued, plead and be impleaded, in any Court having jurisdiction in the subject matter involved, and shall be capable of receiving, purchasing, holding, owning and using property of every description, and of aliening, conveying, leasing, mortgaging, or otherwise disposing of the same in any manner that a natural person might lawfully do; said corporation shall have power to make and use, renew and alter at pleasure, a corporate seal and to do all things and acts necessary and proper to carry into effect the objects and purposes of this Act, and the business of said corporation, not inconsistent with the laws of this State, or of the United States. General
powers.

3. SEC. III. That when the commissioners who may act to receive subscriptions as provided for by the first section of this Act, shall have received fifty thousand dollars in cash, on account thereof, they shall cause notice to be given to the subscribers by advertisement in at least one newspaper, published in the city of Albany, and elsewhere, if they see fit, two consecutive weeks prior to the time appointed for the time for the meeting of the subscribers, requiring them to assem-

Commercial Bank of Albany.

When and how to be organized. ble at the time and place to be designated in the publication, to organize and elect a board of directors. On the assembling of the subscribers, or such of them as may choose to attend, the commissioners who may act, shall proceed to hold an election, by ballot, for such number of directors of the bank as the subscribers present at such meeting shall determine, and no person shall be a director of said bank who shall not be a stockholder to the extent of twenty shares or upwards. All stockholders, at all elections of the bank, and in all matters pertaining to the interest of the bank acted on in convention, shall be entitled to one vote for every share owned, and may vote in person, or by proxy in writing; executors and administrators shall be entitled to control the votes to which the testator or intestate would be entitled if living, and the stock of minors will be represented by their guardians; that the commissioners who may act, (any two or more named in the first section of this Act,) shall be judges of the first election of directors, and shall receive and count the votes and ascertain the result, and certify accordingly, and the certificate of two or more of said commissioners who may act, shall be sufficient evidence of the persons declared by them to be elected; after the election of said directors, the commissioners shall deliver to the board of directors chosen, all moneys and credits in their hands, and the subscription books to the stock of said bank, and an account of all their actings and doings as such commissioners, whereupon their functions shall cease.

Who may vote at elections.

Term of service of directors and Pres't.

Directors may fill vacancies.

Board of directors to consist of seven.

May enact by-laws, etc.

4. SEC. IV. That the first, and all subsequent boards of directors shall be elected to serve one year, or until the election of their successors, and each board shall choose one of their own number as president, who shall act as president of the bank, and shall be so styled, and shall hold the office of president until the election of his successor. Every board of directors shall have power to fill all vacancies which may occur in the office of director or president, and may appoint from their own body or from the body of stockholders, a vice president to assist the president, and to serve as president of the bank during the absence of the regular president.

5. SEC. V. The board of directors shall consist of seven members, (provided that the bank, at any meeting held for the election of directors, may, by vote, enlarge the number for the current year,) a majority of directors, at the time of meeting, including the president, or president, *pro tempore*, shall constitute a board for all purposes, which shall have power to enact all by-laws which may be deemed necessary and proper for the business of the bank, and may amend and repeal the same, and may exercise all the powers granted by this Act to the bank to be organized under it, and may confer on the president and other officers to be appointed, such powers as may be deemed proper, consistent with this Act, and may appoint all such officers and agents as the board may deem necessary and proper for the business of the bank, and fix the rate of their salaries or compensation, and may require of any officer or agent appointed by the

Directors to regulate transfers of stock.

board such bond and security as may be deemed proper to secure the faithful discharge of duty and trust of officer or agent, and may declare and pay, or cause to be paid to the stockholders, at such times and manner as they may think proper, dividends from the earned profits of the bank: *Provided, always,* that the stockholders, in Provide. convention, shall have authority to abridge or alter powers conferred on the board of directors, and to repeal, alter or amend any by-laws or regulations which may be enacted or established by the board of directors.

6. SEC. VI. The board of directors shall have power from time to time to prescribe and regulate the manner in which the stock or certificates of stock may be transferred, but no transfer or assignment of stock shall operate to release the subscriber from any obligation to the bank within six months from date of such transfer or assignment. Directors to regulate transfers of stock.

7. SEC. VII. That in case any subscriber to the stock of the bank shall fail or refuse to pay any of the assessments or calls for payment which may be made by the board of directors within the time required, the board of directors may at any time thereafter proceed to enforce the payment of the entire indebtedness for subscription to stock of such defaulting subscriber by bringing suit therefor in any Court of competent jurisdiction, or the said stock belonging to such delinquent may, by resolution of the board of directors, be sold, in which case the portion previously paid in shall be forfeited to the bank. Defaulting.

8. SEC. VIII. That any number of the stockholders of said bank who own or represent at the time one quarter of the actual capital stock may, by giving twenty days notice thereof in at least one of the newspapers published in the city of Albany, call a meeting or convention of all the stockholders of the bank at such time and place in the city of Albany as may be in said call designated, but no act of the stockholders in convention, except the election of directors, shall be valid or binding on the bank unless a majority of the stockholders be represented. Meetings of stockholders—how called.

9. SEC. IX. That the said corporation shall have power and authority to receive deposits and issue certificates for the same, paying such rates of interest as may be agreed upon, and under such rules and regulations as said corporators may establish; and the said corporation shall and are hereby authorized to act as trustees, by appointment of any Court of the State, or by the selection of any executor or executors, or individual or individuals, for themselves, or for the benefit of any minor or minors for whom they may be acting; and funds in litigation in the various Courts of this State may be deposited in said Commercial Bank of Albany, pending said litigation, bearing same interest as similar deposits. Powers of corporat'n

10. SEC. X. That said corporation shall have power to receive on deposit, paying therefor such interest as may be agreed upon; to loan and borrow money; to take and give therefor such securities as may be considered best; to invest its funds upon such terms and at To receive on deposit.

May receive goods on storage, etc.

such rates of interest as shall be deemed best, and to transfer its property at pleasure; to purchase and discount notes and bills of exchange, and to do all acts it may deem advisable for the safe keeping and secure and profitable investment of its funds.

To receive goods on storage. 11. SEC. XI. Said bank shall have the power to take the charge, management or control of, and to receive on storage or deposit for safe keeping or shipment, goods, wares and merchandise, bullion, specie, plate, stocks, bonds, choses in action, certificates and evidences of debt and title, and other personal property; to guarantee the payment or collection of promissory notes, bills of exchange, bonds, choses in action, and punctual performance of all contracts and obligations; and to advance and loan money, securities and credits on personal property, and the faith and security thereof; and to transact and carry on all kinds of business usually transacted by warehousemen, within the limits of the State of Georgia; and to collect and receive the usual and customary rates of storage in warehouses; and the machinery and elevators connected therewith, together with charges and expenses incurred in the receipt and delivery or custody of merchandise received or stored with said bank. The said business above mentioned shall be done upon such terms and conditions as may be agreed upon by the parties, or established by said directors.

May establish agencies. 12. SEC. XII. The said corporation may establish agencies in such cities and towns as the directors shall determine, for the transaction of business, which shall, at all times, be under the control of the board of directors.

Liability of bank and stockholders. 13. SEC. XIII. That the said bank shall be responsible to its creditors to the extent of its property, and the stockholders shall be ultimately liable for all the debts of the bank in proportion to the number of shares held by them respectively.

Shall make returns to Governor. 14. SEC. XIV. That said Commercial Bank of Albany shall make annually, to the Governor of the State, a correct and sworn statement of their affairs.

Duration of charter. 15. SEC. XV. That this Act, and all the privileges and powers herein granted, shall continue in force for the term of thirty years from and after the organization of the bank, which may be organized under this Act, and the property, funds and business transactions of said bank, during its existence, shall be subject to the same rates of taxation as is or may be imposed by law on money or property of the same kind and similar business transaction of individuals, like corporations or citizens of this State.

Forfeited if \$50,000 is not paid in within 3 years. 16. SEC. XVI. That if the sum of fifty thousand dollars be not subscribed and actually paid in within three years after the commencement of business, then all the privileges hereby and herein granted, shall be forfeited.

SEC. XVII. Repeals conflicting laws.

Approved December 11th, 1871.

To incorporate the Dollar Savings Bank of Fort Valley.

No. CXXVII.—(O No. 147.)

An Act to incorporate the Dollar Savings Bank of Fort Valley.

17. SECTION I. *Be it enacted by the General Assembly met,* That Daniel W. Visscher, Wesley Houser, J. R. Griffin, Ezekiel Crocker, ^{Corporat'ns} and Monroe Felton, and their associates and successors, are hereby constituted a body corporate under the name of the Dollar Savings ^{Name.} Bank of Fort Valley, and by that name shall have succession, and may sue and be sued. The principal office of said bank, shall be ^{Principal office and powers.} located in Fort Valley, Georgia, and said bank shall have such powers and privileges as are conferred on the "Georgia Loan and Trust Company," by the the Act incorporating the same, approved October 5th, 1868: *Provided,* that said bank shall be subject to same limitations and restrictions as to rate of interest, and liability of its stockholders for debts of the bank, as are imposed by and contained in the said Act incorporating the Georgia Loan and Trust Company. ^{Proviso.}

18. SEC. II. The capital stock of said bank shall be fifty thousand ^{Capital stock.} dollars, with privilege of increasing the same to one hundred thousand dollars, said stock to be divided into shares of twenty-five dollars each, and when there has been fifty thousand dollars of said capital stock subscribed, and one-fifth thereof actually paid in, in lawful money of the United States, the said company may organize and proceed to business under this Act.

19. SEC. III. The corporate powers of said bank shall be vested in and exercised by a board of directors of not more than five per- ^{Board of directors.} sons, to be chosen as hereinafter provided, who shall elect from their number a president and cashier; a majority of said board shall con- ^{Officers.} stitute a quorum for the transaction of business; that said company shall have power to make advances to planters for the purpose of ^{Powers.} developing the agricultural interest of the State, in loans on mortgages on real or personal property of any and all kinds, and upon crops to be raised, to receive deposits of money, and all other valuables of any kind, and to rent suitable offices and stores for their safe keeping, and issue receipts for the same, to buy and sell bonds, bills of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive, in addition to interest, such a commission on advances of money and negotiating loans and for storage, as may be agreed upon between said company and the party or parties so buying or selling such bonds, bills of exchange or promissory notes, or borrowing or receiving such moneys, securities or credits, and for storing such valuables: *Provided,* however, the rate ^{Proviso.} of interest on loans so made shall not exceed the rate of interest allowed by the laws of this State; and the said company shall have power to take and hold, as securities for, or in payment of, any loans or advances made, mortgages or other instruments or obligations, upon any and all kinds of property whatever, either real or personal, and said company shall have power to purchase, hold, sell, exchange

Trust powers—stock, how transferred, etc.

and convey bonds or other property of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments, as may be necessary for the transactions of its business.

Trust powers. 20. SEC. IV. That said company shall have power to receive moneys on trust or on deposit, and to invest the same at such rate of interest as may be agreed on, or to allow such interest thereon as may be agreed upon; shall have power to accept and execute all such trusts of every description that may be committed to them by any person or persons whomsoever, or any corporation, or may be committed to them by any Court, and shall have power to take and accept, by grant, assignment or bequest, and hold any real and personal estate in trust, created in accordance with the laws of this State, and execute such legal trust in regard to the same on such terms as may be agreed upon in regard thereto: *Provided*, the rate of interest shall not exceed seven per cent.; that the board of directors shall have power to establish agencies for the transaction of the business of said company at any place they may think proper, and to appoint such agents, officers or employees as may be considered necessary, and may delegate power to transact any of its business to committees of directors, or to its officers or agents as it shall deem proper. Said corporators or any two of them shall be, and they are hereby appointed commissioners to open books of subscription for the capital stock of said bank at the office in Fort Valley, for such amounts as they may deem proper, within the limits hereinbefore specified; the directors of said bank shall be elected by a majority in interest of the stockholders, voting at an election to be held under the inspection of said commissioners at the place of subscription, after the said books are closed, each share to represent one vote, and said directors to hold their office until their successors are elected, and to have power to make such by-laws as they may deem necessary to carry out the objects of the corporation, and may adopt a corporate seal, and change the same at will.

Proviso.

May establish agencies.

May open books of subscription.

Directors—how elect'd

Minutes of the board. 21. SEC. V. The minutes of the proceedings of the board of directors shall be kept in a book provided for that purpose, and shall be signed by the president and secretary, and the same shall be at all times subject to the inspection of any stockholder. Each stockholder shall be entitled to a certificate of stock when fully paid up, which may be transferred at any time by the stockholder signing such transfer, by himself, his agent or attorney in fact, in a book to be kept for that purpose.

Stock, how transferred

Dividend to be declared. 22. SEC. VI. Dividends of the net profits of the business of said bank shall be declared to the stockholders according to the amount actually paid in by each, on the first Monday in January and July, in each year, at the same time the board of directors shall make and publish statements of all the debts, liabilities and assets whatever of said bank, which statement shall be verified by oath of the cashier, made before any officer authorized to administer an oath, such state-

Statement to be published.

To incorporate the Exchange Bank of Macon.

ment shall be recorded and kept in a book for that purpose for future reference.

23. SEC. VII. Each stockholder shall pay in twenty per cent. of his stock at the time of subscription for the same, and the board of directors shall have power to call in such other installments as they may think proper from time to time, by giving ten days' notice thereof in writing: *Provided*, not more than one-fifth of the amount subscribed shall be called in at any one time. This Act shall continue in force for twenty-one years, and each stockholder shall be individually liable for the ultimate payment of all the debts of the corporation, created while he was a stockholder, in proportion to the amount of his stock.

Installm'ts

Proviso.

Term of charter.

Liability.

SEC. VIII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXXVIII.—(O No. 100.)

An Act to incorporate the Exchange Bank of Macon.

24. SECTION I. *The General Assembly of the State of Georgia do enact*, That S. G. Bonn, L. W. Hunt, W. R. Rogers, J. F. Greer, L. W. Rasdal, J. C. Curd, S. M. Seisel, B. A. Wise, G. B. Turpin, C. H. Rogers, G. B. Roberts, H. J. Lamar, J. W. Rankin and W. R. Singleton, and their associates and successors, are hereby constituted a body politic and corporate, under the name of the Exchange Bank of Macon, with power by this name to sue and be sued, to have and use a common seal, should they so desire, to make and alter such by-laws as they may deem necessary for the business, to hold such real estate or other property as may be conveyed to said bank in payment or satisfaction of any debt which may be due to them, or as may be mortgaged or pledged to said bank to secure any debt which may be owing to them, to receive deposits of money and other valuables and issue certificates therefor, to loan and borrow money, to discount and sell bonds, stocks and securities generally, bills of exchange and promissory notes, to do a general banking and exchange business, to buy and sell such property as may be to the interest of said corporation in conducting said business, and for this purpose, to receive and execute such receipts, contracts or other instruments of writing, as may be necessary.

Corporat'rs

Name and general powers.

25. SEC. II. That the capital stock of said corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, with power to said bank to increase the same to any amount not exceeding five hundred thousand dollars, upon public notice of such increase being first given for thirty days in a public gazette published in the city of Macon, in which notice shall be specified the amount of the increase to the capital stock of said company.

Capital stock.

Organization.

Organiza-
tion.

26. SEC. III. That so soon as there has been one hundred and fifty thousand dollars of the capital stock subscribed, and one-fifth thereof actually paid in, in lawful money of the United States, the said stockholders may organize and proceed to business, under this Act. The corporate powers of said bank shall be exercised by a board of directors of not more than nine nor less than five persons, to be chosen as hereinafter provided, who shall elect from their number a president, and a cashier not of this number; said directors shall be elected by the stockholders on the first Tuesday in January of each year, (or within twenty days thereafter, by giving ten days' notice in some public gazette of the city of Macon), and said directors shall continue in office until their successors are elected and qualified. A majority of said directors shall have power to act at all meetings, and shall fill any vacancy that may occur in the board. Each stockholder shall vote in person, or by proxy under written power-of-attorney, and be entitled to one vote for every share he may hold; but no stock shall be voted which may be in arrears for installments, fines or other dues, until such arrears are paid up in full.

Minutes of
proceedin's

27. SEC. IV. That the minutes of the proceedings of the board of directors shall be kept in a book provided for that purpose and shall be signed by the president and secretary, and the same shall at all times be subject to the inspection of any stockholder.

First and
subsequent
assessm'ts

28. SEC. V. Each stockholder shall pay in twenty per cent. of this stock at the time of subscription for the same, and subsequently he shall pay into the bank, in par funds, one dollar each week on each share he or she holds, until the value of such share from said payments and the earnings upon the same shall be one hundred dollars. All dividends upon each share shall attach to the same until the value of said share shall be one hundred dollars. Each stockholder shall be entitled to a certificate of stock when fully paid up, and all transfers of the stock of said bank shall be made by the stockholder by signing such transfer by himself or his attorney, in fact, in a book to be kept for that purpose at the principal office of (said) bank in the city of Macon.

Transfers
of stock.

By-laws
binding.

29. SEC. VI. The by-laws of the bank shall be binding upon all the stockholders, and the payment of all installments and other dues to the bank by its stockholders may be enforced by such fines and other penalties, as may be from time to time provided in their by-laws. The board of directors shall have full power to employ all officers and agents that may be necessary to transact the business of the bank, and to fix their compensation, to dismiss them, and to take bond from persons so appointed for the faithful execution of their duties.

Payment of
dues—how
enforced.

Board may
employ
agents.

Directors
to make
annual
statement.

30. SEC. VII. On the first Monday in April and October in each year, the board of directors shall make and publish statements of all the debts and liabilities and assets whatever of said bank, which statements shall be verified by the oath of the cashier, made before any

To incorporate the LaGrange Banking and Trust Company.

officer authorized to administer an oath; such statements shall be recorded and kept in a book for that purpose for future reference; each stockholder shall be individually liable for the ultimate payment of all the debts of the corporation, created while he was stockholder, in proportion to the amount of his stock. Liability.

31. SEC. VIII. Said corporators, or any three of them, are hereby authorized to open books of subscription for the capital stock of said bank, at the office of Rogers & Bonn, in the city of Macon, due notice of which shall be given in a gazette published in the city of Macon. This Act shall continue in force for twenty-one years. May open books of subscription.
Duration of charter.

SEC. IX. Repeals conflicting laws.

Approved December 12th, 1871.

No. CXXIX.—(O No. 69.)

An Act to incorporate the LaGrange Banking and Trust Company.

32. SECTION I. *Be it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That H. S. Wimbish, John F. Moreland, John A. Speer, John R. Broome, S. W. Swanson, T. J. Thornton, W. F. Spalding, R. D. Spalding, John H. Glanton, A. D. Abraham, and James F. Ogletree, and such other persons as may hereafter be associated with them and their successors and assigns, are hereby constituted a body corporate under the name of the "LaGrange Banking and Trust Company," and by that name shall have succession, and may sue and be sued in any Court whatever, with such powers and privileges as are hereinafter provided. Corporators.
Name and general powers.

33. SEC. II. That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing said capital at any time to three hundred thousand dollars; said stock to be divided into shares of one hundred dollars each, and when there shall be fifty thousand dollars of said capital stock subscribed, and twenty-five thousand dollars actually paid in, in lawful money of the United States, the said company may organize and proceed to business under this Act. Capital stock.

34. SEC. III. That said company shall have power to make advances to planters and others for the purpose of developing the agricultural, the machanical and the mineral resources and interests of the State, in loans on mortgages on real or personal property of any and all kinds, and upon crops to be raised; to receive deposits of money and all other valuables of any kind, and to erect suitable offices and stores for their safe keeping, and issue receipts for the same; to buy and sell bonds, bills of exchange and promissory notes, and advance and loan moneys, securities and credits; and may charge and receive, in addition to interest, such a commission on advances of money and negotiating loans, and for storage, as Powers and privileges.

May receive and invest trust moneys, etc.

may be agreed upon between said company and the party or parties so buying or selling such bonds, bills of exchange and promissory notes, or borrowing or receiving such moneys, securities or credits, and for storing such valuables; and the said company shall have power to take and hold as security for, or in payment of, any loans or advances made, mortgages or other instruments or obligations upon any and all kinds of property whatever, either real or personal, and said company shall have power to purchase, hold, sell and exchange, and convey bonds or other property of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments as may be necessary for the transaction of its business.

To receive
and invest
trust
moneys.

35. SEC. IV. That the said company shall have power to receive moneys in trust, or on deposit, and to invest or accumulate the same at such rate of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed on; shall have power to accept and execute all such trusts of every description as may be committed to them by any person (or persons) or any corporation whatsoever, or may be committed or transferred to it by an order or decree of any court, and shall have power to take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estates or trusts created in accordance with the laws of this State, and execute such legal trusts in regard to the same, on such terms as may be declared established or agreed upon in regard thereto; and the said company shall and are hereby authorized to act as trustees by appointment of any Court of this State, or by the election of any executor or executors, trustee or trustees, or *cestui que trust*, or individual or individuals for themselves, or for the benefit of any married woman, minor or minors for whom they may be acting; and funds in litigation in the various Courts of this State may be deposited in said "LaGrange Banking and Trust Company" pending said litigation, bearing interest at such rates as may be agreed on.

Business
managed
by five
directors.
Shall elect
President.
Quorum.

36. SEC. V. That the business and corporate powers of said company shall be exercised by a board of not less than five directors, to be chosen as hereinafter provided, who shall elect from their number a president, and may declare by by-laws what number of directors shall be a quorum for the transaction of business.

To open
books.

Directors—
how elect'd

37. SEC. VI. H. S. Wimbish, John F. Moreland, John A. Speer, John R. Broome, S. W. Swanson, T. J. Thornton, W. F. Spalding, R. D. Spalding, John H. Glanton, A. D. Abraham and James F. Ogletree, named in the first section of this Act, or any two or more of them shall, and they are hereby appointed commissioners to open books of subscription to the capital stock of said company, at such time and places and for such amounts as they or a majority of them shall deem proper; but for no less amount than fifty thousand dollars, as hereinbefore provided. The directors of said company shall be elected by a majority in interest of the stockholders of said company, voting at said election to be held under the inspection of said commissioners or any two of them, at such time and place as they

Minutes to be kept—liability of stockholders.

may think best to designate, within ten days from the closing of the subscription called for by them, and on the second Tuesday in January in every year thereafter. No stockholder, after the first election, shall be allowed to vote, only on the amount of stock actually paid in, and if there should be no election of directors at any annual meeting as hereinafter directed, the directors then in office shall continue until the next election, in which the majority of the stockholders shall be represented either in person or by legal proxy.

In case no election.

38. SEC. VII. That the principal office of the company shall be located in the city of LaGrange, Georgia; that the board of directors shall have power to establish agencies for the transaction of the business of said company at any place they may think proper, and to appoint such agents, officers or employees as may be considered necessary, and may delegate power to transact any of its business to committees of directors, or to its officers or agents, as they shall deem proper; and said board of directors may, by a majority of their whole number, make such by-laws not inconsistent with the Constitution and laws of this State, as may be deemed necessary for the management of the business of said company, and may adopt a corporate seal and change the same at pleasure: *Provided, always,* that the stockholders in convention shall have power to regulate and limit the discretionary powers conferred on the board of directors, and repeal, alter or amend any by-laws or regulations, which may be enacted or established by the board of directors.

Principal office.

Directors may establish agencies and appoint agents.

May make by-laws.

Proviso.

39. SEC. VIII. That the minutes of the proceedings of the board of directors shall be kept, and the same shall be entered in a book provided for that purpose, and signed by the president, or chairman, or secretary; and these minutes shall at all times be subject to the investigation of any stockholder. Stockholders shall be entitled to certificates of their respective shares of capital stock, which shall be transferable as provided in said certificates, only that they cannot be transferred so long as the stockholder may be indebted or liable to the company. The stock of each stockholder shall always be bound for any debts matured or maturing that the stockholder may owe or be liable for to the company, either by indorsement, acceptance or otherwise; also, that each stockholder shall be individually liable for the payment of the debts of the company in proportion to the amount of stock held by them respectively, and the board of directors shall cause suitable books for the registry and transfer of such shares to be kept, and every such transfer, to be valid, shall be made on such books, and be signed by the shareholder, or his or her attorney, duly authorized in writing; and the board of directors may close the transfer books from time to time as the convenience of the company may require.

Minutes of proceedings to be kept.

Shall have certificates of shares—transferable.

Liable for debts to company.

Transfers of stock to be made on books of company.

40. SEC. IX. That the board of directors, out of the funds of said company, shall defray the expenses and pay its debts, and declare and pay out of the surplus net profits of its business, to its shareholders, or their duly authorized agents or attorneys, such dividends as they

Dividends declared out of net profits.

Legal interest only to be charged.

may deem expedient; such dividends shall, after the first six months the company has been in operation, be declared on the second Tuesday in January and July, in each year, and due notice shall be given to shareholders of the amount declared and the time it will be paid to them or their legally authorized agents.

Owners of
one-fourth
of the stock
may call
convent'n.

41. SEC. X. That any number of the stockholders of said company who own or represent at the time one quarter of the actual capital stock may, by giving ten days' notice thereof in the LaGrange Reporter, or in one of the newspapers published in the city of Atlanta, call a meeting or convention of all the stockholders of the company at such time and place in the city of LaGrange as may be in said call designated, but no act of the stockholders in convention, except the election of directors, shall be valid or binding on the company unless a majority of the stock shall be represented.

Installm'ts
how paid

42. SEC. XI. That each stockholder shall pay ten dollars on each share at the time he subscribes for the same, and the board of directors shall have the power to call in such other installments as they may think proper, from time to time, by giving ten days' notice in the LaGrange Reporter, or in one of the newspapers of the city of Atlanta, not to exceed twenty-five dollars on each share at any one time.

Statements
to be made
semi-annu-
ally.

43. SEC. XII. That the board of directors shall make semi-annual statements of the condition of said company on the second Tuesday of January and July, in each year, to its stockholders and to the Governor of the State, (if required,) of all its debts, liabilities and assets whatever, under oath, by their president and cashier, before a Justice of the Peace or other officer authorized to administer oaths; and such statements shall be kept in a book for that purpose for future reference.

Not more
than legal
interest to
be charged.

Proviso.

44. SEC. XIII. That it shall not be lawful for said company to charge more interest than the legal rate per cent. per annum, on any of its loans or discounts, and that all charges for interest over the legal rate per cent. per annum shall be forfeitable to the borrower: *Provided*, however, that the claimant shall give notice to the president of said company by commencing suit within sixty days from the payment of said interest for the recovery of the extra interest.

Duration
of charter.

45. SEC. XIV. That this Act shall take effect immediately upon its passage, and shall continue in force for twenty-one years thereafter, and that all laws and parts of laws militating against the provisions of this Act be and the same are hereby repealed.

Approved December 11th, 1871.

 Merchants' and Mechanics' Savings Bank of Columbus.

No. CXXX.—(O No. 196.)

An Act to incorporate the Merchants' and Mechanics' Savings Bank of Columbus, Georgia.

46. SECTION I. *Therefore be it enacted by the General Assembly of the State of Georgia*, That W. L. Salisbury, J. A. Cody, W. Corporat^{rs} B. Brown, W. J. McAllister, W. N. Haws, W. L. Clark and such other persons as may hereafter be associated with them, their successors and assigns, are hereby created a body corporate under the Name and name and style of the Merchants' and Mechanics' (Savings) Bank of general powers. Columbus, Georgia, and by that name may sue and be sued in any Court whatever, with all the powers and immunities which may appertain to the same by this Act.

47. SEC. II. That the capital stock of said bank shall be two hundred thousand dollars, with the privilege of increasing the same Capital stock. to five hundred thousand dollars, with shares of one hundred dollars each, to be paid in the manner hereinafter provided, and after twenty-five per centum of the said present capital shall have been subscribed and paid in, the company shall have the right to organize and transact business. No stockholder shall be the debtor of the bank for an amount exceeding the net value of his stock, and shall deposit his stock certificate as security for such indebtedness, (except upon such terms as other depositors,) and the whole amount of stock owned by him shall always be security for any indebtedness due the bank.

48. SEC. III. The capital stock shall be paid in installments, in such sums and at such times as may be directed by the board of directors; after the payment of the first installment, a period of three months shall intervene between the calling in of each of the remaining installments, but at no time shall more than twenty-five per cent. of the amount subscribed be called in, in manner as aforesaid, by the board of directors, but nothing herein contained shall be construed to prevent the subscribers from paying in the whole of the installment at any time, if by them, and said board of directors, unanimously desired. Installm^{ts} and mode of payment

49. SEC. IV. Whenever any subscriber shall fail to pay the amount of his subscription, or the amount due upon the shares at the call of the board of directors, they shall have the right to sell the share or shares of such subscribers at public auction, allowing him or them three months' time from the day of the notice thereof to fulfill his or their engagements, and when such sale shall have been made, the subscribers in default shall be held responsible for any loss resulting therefrom, and any benefit which may result shall be refunded by the company to such subscribers. The principal office of said company shall be at Columbus, Georgia, but it shall have the right to establish agencies in other counties, or States, as its interests may require. Failure to pay. Principal office.

Organization—Powers of corporation.

50. SEC. V. Said company shall have power to make and use, renew and alter at pleasure a corporate seal. The business of the bank shall be managed by a board of five directors, three of whom shall constitute a quorum to transact business; the board of directors shall elect from their midst a president, who must always be a stockholder, failing in this he shall be disqualified from holding this office. Directors shall be elected for this company by a majority of the votes of the subscribed stock, and as soon as twenty-five per cent. is paid in, shall commence to transact business, and no person shall be qualified to act as director in this association, except the stock is held in his own right, and in no way pledged or hypothecated as security for debt, and they shall be required to inform themselves in all things pertaining to their duties as directors, and diligently guard the interest of the stockholders. The by-laws they are hereby authorized and required to make for the government of the bank as its interest shall demand, but said by-laws shall not conflict with said charter, or the laws of this State; a majority of directors known to be in the city of Columbus, notice being given to all of the time of meeting, including the president, or president, *pro tem.*, shall constitute a board for all purposes, and may exercise all the powers granted by this Act to the company, to be organized under it, and may confer on the president and officers to be appointed such powers as may be deemed proper and consistent with this Act, and may appoint all such officers or agents as the board may deem necessary and proper for the business of the company, and fix the rate of their salaries or compensation, and may declare and pay, or cause to be paid, to the stockholders at such times, and in such manner, as they may think proper, dividends from the earned profits of the company: *Provided, always,* that the stockholders in convention, shall have the power to regulate and limit the discretionary powers conferred on the board of directors, and repeal, alter or amend any by-law or regulation, which may be enacted or established by the board of directors. It shall be the duty of the cashier to keep safely all moneys, notes bonds, bills, or other property committed to his care, or which shall come into his possession in the regular course of business, and he shall have power to bind the company by signing notes, bills, checks, receipts, or certificates of deposit, in conducting the business of the bank.

Organisa-
tion.

Proviso.

Cashier.

Powers of
company.

51. SEC. VI. That said corporation shall have power to receive money on deposit, paying therefor such interest as may be agreed upon, to loan and borrow money, to take and give therefor such securities as may be considered best, to invest its funds upon such terms as they deem best, and transfer its property at pleasure, to purchase and discount notes and bills of exchange, and to do all other acts it may deem advisable for the safe keeping and secure and profitable investment of its funds.

52. SEC. VII. That the said Merchants' and Mechanics' Savings Bank shall have power and authority to receive deposits and issue

To incorporate the Mechanics' and Traders' Bank of Georgia.

certificates for the same, paying such rates of interest as may be agreed upon, and under such rules and regulations as said corporation may establish. And the said corporation shall and is hereby empowered to act as trustees by appointment of any Court of the State, or by the selection of any executor or executors, or individual or individuals, for themselves or for the benefit of any minor or minors for whom they may be acting, and funds in litigation in the various Courts of the State may be deposited in said Merchants' and Mechanics' Bank, pending said litigation, bearing same interest as similar deposits. May act as trustee.

53. SEC. VIII. That the said company shall be responsible to its creditors to the extent of its property, and the stockholders shall be ultimately liable for all the debts and liabilities of the company, made or incurred during the time they are stockholders, in proportion to the number of shares held by them respectively. Liability.

54. SEC. IX. All stockholders, at all elections of the company, and in all matters pertaining to the interest of the company acted on in convention, shall be entitled to one vote for every share of stock owned, and may vote in person or by proxy in writing. Executors and administrators shall be entitled to control the votes to which the testator or intestate would be entitled if living; and the stock of minors will be represented by their guardians. All votes shall be by ballot, and in all cases, a majority of votes given shall elect. Qualifica'n of voters.

55. SEC. X. That this charter shall be of force and effect for the term of thirty years. Duration of charter.

SEC. XI. Repeals conflicting laws.

Approved December 14th, 1871.

No. CXXXI.—(O No. 213.)

An Act to incorporate the Mechanics' and Traders' Bank of Georgia.

56. SECTION. I. *The General Assembly of the State of Georgia do enact*, That H. K. McCay, J. F. Burke, Wm. C. Morrell and Louis Scofield, Sr., of the county of Fulton, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby created a body corporate, under the name and style of the Mechanics' and Traders' Bank of Georgia, with such powers and privileges as are herein provided; may sue and be sued, and shall have the right to use a common seal. Corporat'rs Name.

57. SEC. II. That the capital stock of said bank shall be one hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, with shares of fifty dollars each, to be paid in the manner hereinafter provided; and when ten per centum of the said present capital stock shall have been subscribed and paid in, the bank shall organize and transact business. Capital stock.

Installments—Failure to pay.

Installm'ts 58. SEC. III. That the said capital stock shall be paid in installments, in such sums and at such times as shall be ordered by the board of directors: *Provided*, that after the payment of the first installment, a period of sixty days shall elapse before the payment of a subsequent installment; but nothing herein contained shall be so construed as to prevent one or more of the subscribers from paying the whole amount of their subscriptions at any time, if agreeable to the board of directors. •

Failure to pay installments. 59. SEC. IV. That whenever any subscriber shall fail to pay any amount that may become due on the shares subscribed or owned by him or her at the call of the board of directors, the said directors shall have the right to sell such share or shares of such subscriber, at public auction, after the expiration of ninety days from the date of the call of said directors. Whenever such sale shall have been made, the subscriber in default shall be held responsible for any loss to this bank resulting therefrom; and any benefit which may result shall be refunded to said subscriber by the board of directors.

Principal office and agencies. 60. SEC. V. That the office of the said Mechanics' and Traders' Bank shall be at Atlanta, in the State of Georgia, and they shall have the right to establish agencies in other counties and States as may be deemed advisable by them. The business of this bank shall be managed by a board of five directors, three of whom shall constitute a quorum to transact business; and they shall elect from their number a president, who must always be a stockholder—failing in which, he shall be disqualified for this office. The said H. K. McCay, J. F. Burke, Wm. C. Morrell and Louis Scofield, Sr., of the county of Fulton, shall be the directors of this bank until the first annual meeting of the stockholders, such meeting to be held as prescribed by the directors, under the by-laws which they are hereby authorized and required to make for the government of this bank; but such by-laws shall not conflict with this charter or the laws of this State.

Cashier. 61. SEC. VI. That the president and directors of this bank shall, at their organization, elect a cashier, who shall be a stockholder and who shall give bond in such terms and such penal sum conditioned for the faithful performance of his duties, as shall be satisfactory to said president and directors. The board of directors shall be elected at a general meeting of the stockholders at which a majority of the stock shall be represented. The directors so elected shall hold their offices for one year, or until their successors are elected and qualified.

Directors—how elect'd 62. SEC. VII. That the bank shall have the right to receive money on deposit, grant receipts for the same, and issue, in the transaction of business, all necessary and usual certificates and contracts, to make advancements on real and personal property, or on both, to advance money to corporate bodies, to planters, farmers, factors or merchants, to make loans to government or individuals, to make advances for improvements or encouragement of transportation by water or by land, to acquire, possess or direct any property, real or

Term of office.

Corporate rights.

Georgia Mutual Fire and Life Insurance Company.

personal, which its interests may dictate, to deal in precious metals, foreign and domestic exchange, to buy, sell, discount or collect promissory notes, bills of exchange, contracts, bonds, mortgages or choses in action, claims and rents, to acquire any franchise by purchase or otherwise, and to perform such legal acts as may be necessary to enforce the payment or fulfillment of any contract made to or with them; and may charge and receive in addition to interest, such commissions on money advanced and negotiating loans, and for storage, as may be agreed upon between said bank and the party or parties so buying or selling such bonds, bills of exchange or promissory notes, or borrowing or receiving such moneys, securities or credits: *Provided, however,* that nothing herein contained shall authorize this bank to charge a rate of interest inconsistent with the laws of this State, and only excess of interest shall be forfeited to the borrower: *Provided further,* that said borrowers shall notify the cashier of the bank, by commencing suit within sixty days after the payment of the extra interest, for the recovery of the same. Proviso.

63. SEC. VIII. That the directors shall appoint a certain date for the annual meeting of the stockholders, and at such meeting a full exhibit of the affairs and condition of the bank shall be made, and after making full provisions for the losses of the past year, and any eventual losses of the future, and for all the liabilities of said bank, the directors shall order a division of the profits if any there be, among the stockholders, by declaring a dividend on each and every share of the stock issued, and each stockholder shall be individually liable for the ultimate payment of the liabilities of said bank in proportion to the number of shares held by such stockholders. Annual meetings.
Liability.

64. SEC. IX. That J. F. Burke is here appointed a commissioner to open and manage the subscription books of said bank at Atlanta, and at such other places as may be deemed necessary to obtain the capital required to operate said bank; that this Act shall take effect immediately and continue in force for thirty years. Commis'r.

SEC. X. Repeals conflicting laws.

Approved December 15th, 1871.

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No. CXXXII.—(O No. 144.)

An Act to repeal certain Sections of an Act approved on the 10th day of October, 1868, entitled an Act to charter the Georgia Mutual Fire and Life Insurance Company, and the several Acts amendatory thereto.

65. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 18th sections of an Act, approved on the 10th day of October, 1868, Sections amended.

Gate City Insurance Company of Atlanta.

entitled an "Act to charter the Georgia Mutual Fire and Life Insurance Company," be, and the same are hereby repealed.

56. SEC. II. That the 12th section of said Act, and the Act amendatory thereto, be so changed, that instead of thirteen (13) directors, as are therein provided for, that said directors shall consist of five, (5) of whom a majority shall be a quorum.

57. SEC. III. That the officers shall consist of a president, cashier and teller, who shall be elected by the board of directors, instead of president and vice president as is now provided for in said Act. Approved December 13th, 1871:

No. CXXXIII.—(O No. 130.)

An Act to amend an Act entitled an Act to incorporate the Gate City Insurance Company of the City of Atlanta, assented to March 12th, 1866, and to change its name.

58. SECTION I. *The General Assembly of Georgia do enact,* That the name of said corporation be changed from Gate City Insurance Company of the city of Atlanta, to the Georgia Empire Fire Insurance Company.

59. SEC. II. That a majority of the stockholders, if they so desire it, shall have the privilege of increasing the capital stock to five hundred thousand dollars.

70. SEC. III. That section 10th of said Act be, and the same is hereby repealed, and that the words "and no further" be added to section 6th.

SEC. IV. Repeals conflicting laws.

Approved December 13, 1871.

No. CXXXIV.—(O No. 52.)

An Act to Incorporate the Merchants' Mutual Insurance Company of Georgia.

71. SECTION I. *The General Assembly of Georgia do enact,* That there shall be established in the city of Savannah, an insurance company, the capital stock of which shall be five hundred thousand dollars, if the interest of the company requires it, to be divided into shares of one hundred dollars; but said company may organize and go into operation as soon as one hundred thousand dollars have been subscribed and paid in.

72. SEC. II. That James J. Hines, James H. Johnston, John C. Rowland, Robert A. Reed, Benjamin A. Hart, Robert H. Footman

Powers of Company, etc.

and Mayfield Lovell be, and they are hereby, created a body corporate, with their associates and successors, under the name of "The Merchants' Mutual Insurance Company of Georgia," and by that name they may purchase, receive, possess, enjoy, retain and sell property of all kinds, sue and be sued, plead and be impleaded, have and use a common seal, with power to alter and change the same at pleasure, and may make such by-laws, rules and regulations as may be deemed necessary to carry into effect the objects of this corporation.

73. SEC. III. That said corporation shall be managed by a board of directors, not less than five in number, each of whom shall be a stockholder; that a majority of said board shall constitute a quorum for the transaction of business. As soon as one thousand dollars is subscribed and paid in, the incorporators shall call a meeting of the stockholders for the election of the first board of directors, each stockholder being entitled to one vote for each share of stock held by him, and a majority of the votes constituting a choice. The election for directors after the first election shall be held annually, on the third Monday in September, and the directors shall hold office until their successors are chosen. They shall elect a president who shall serve for twelve months or until his successor is elected, and, by and with the consent and advice of the president, appoint such other officers and agents as they may deem necessary. A vacancy in the board of directors can only be filled by the stockholders, after due notice of the time and place of election. Absent stockholders may vote by proxy.

74. SEC. IV. That said company shall have authority to insure against losses by fire on all kinds of property, either real or personal, or mixed, and also to make insurance on lives and all and any insurance appertaining to the duration of life, for such premiums as they may determine, and to make insurance against all hazards of ocean or inland navigation and transportation of every kind, and said company shall be liable to make good and pay to the several persons who may insure in said company for the losses they may sustain, or for life insurance, in accordance only with the terms of the contract or policy issued by them, and no policy or other contract of said company shall be binding except it be signed by the president or the vice-president and the secretary or actuary of the company; and said company shall have power to receive money on deposit, to loan and borrow money, to take and give such securities therefor as may be considered best, to invest its moneys in such manner as may be advisable, and transfer its property at pleasure, to purchase and discount notes and bills of exchange, and do all other acts it may deem proper for the safe-keeping and sure investments of its funds, and said company shall have power and authority to make reinsurances in other companies of any risks or parts of risks that may be taken by them.

75. SEC. V. That the said president and directors shall have power to appoint, and remove at pleasure, all officers or agents of

Mutual Protection Insurance Company of Georgia.

Other powers of President and directors. the corporation, to appoint agents at such places as they may deem best, to prescribe their duties and to take bonds from them for the faithful performance of the same; further, that said president and directors shall have power, from time to time, to call for the payment of the unpaid stock, in such sums as they may deem proper, and upon the neglect or refusal of any stockholder to pay his installments as called for by the board of directors, said board may proceed to sell such stock at public outcry, ten days' notice being given in one or more of the city papers, and said delinquent stockholders shall still remain liable for any balance due, or which may become due by him to said corporation, and may be sued therefor in any Court having competent jurisdiction; and said president and directors shall have power to make dividends and fix the place, and define the manner of paying the dividends, paying interest and transferring stock, and shall, also, have the power to give the holders of the policies of said company, the right to participate in the net profits of the company to such an extent, in such manner and on such terms as they shall deem proper.

In case of failure to pay assessments.

Pres't and directors to pay dividends.

Claims for losses—when and where payable.

Provision as to bills, notes, etc., payable at office of company.

Duration of charter. Returns to be made to Governor.

76. SEC. VI. That all claims for losses against said company shall be due and payable in sixty days after proof of loss has been furnished at the office of the company, and in disputed cases in ten days after final decision by the proper tribunal.

77. SEC. VII. That all bills, bonds and promissory notes, made payable at the office of said company, shall have the same legal effect, and may be subject to all legal remedies the same as if made payable at any bank in this State.

78. SEC. VIII. That this charter shall continue and be in full force and effect for the term of thirty years, and that the president and secretary of said company shall make to the Governor, under oath, semi-annual returns, showing the true and full condition of affairs.

SEC. IX. Repeals conflicting laws.

Approved December 11th, 1871.

No. CXXXV.—(O No. 88.)

An Act to incorporate "The Mutual Protection Insurance Company" of Georgia.

79. SECTION I. *The General Assembly of the State of Georgia do enact*, That William King, William L. Mansfield, William R. Gignilliat, A. J. Hansell, James R. King, W. T. Winn, B. Stripling, William Root, Humphrey Reid, Thomas H. Cheek, T. J. Atkinson, A. Van Wyck and David Irwin, and their associates and successors shall be a corporation, under the name and style of "The Mutual Protection Insurance Company of the State of Georgia," and shall

Corporators

Name.

Mode of voting at meetings of stockholders.

keep their chief office at Marietta, Cobb county, and may appoint agents to extend and facilitate the business of the company in other parts of the State and beyond the limits of the State, as may be agreed upon by the officers of the company herein provided for, and shall elect their own officers and shall enjoy all the privileges and powers incident to such corporations.

Principal
office.
Agencies.

80. SEC. II. That at all the meetings of said corporation every matter shall be decided by a majority of votes, each member holding a policy for one year or longer being allowed one vote, and if his policy extends (exceeds) one thousand dollars, and (an) additional vote for each additional thousand dollars: *Provided*, that insurers under open policies shall be entitled to vote in proportion to the amount actually insured under such open policies, but in no case to exceed ten votes under any single open policy, nor shall any member of the corporation, nor any other person give or cast a larger number of votes than five hundred, either for himself or as the proxy representing other members of the corporation.

Mode of
voting.

Proviso.

81. SEC. III. That the said corporation, so soon as organized, shall elect a board of directors to manage its business for one year, and to elect a similar board each year thereafter; the old board to retain and exercise its rights and powers until a new board be elected and prepared to assume its duties; that the board of directors shall appoint all the officers and agents necessary for the safe and successful management of the business (finances) of the corporation, and to determine and give the salaries and compensation for the services of such officers and agents; that the board of directors shall not be less than ten nor more than twenty in number, and ten of whom shall be residents of Cobb county. Five members at least of the board shall be necessary to constitute a quorum, to regulate and direct the business of the company.

Provision
for election

82. SEC. IV. That said corporation may insure for any time not exceeding ten years, all buildings, goods or other species of property, against loss or damage by fire or water, or other hazards incident to sea and inland navigation and other transportation; such damage or loss not resulting from the carelessness, negligence or design of the party insured, and to any amount not exceeding three-fourths of the value of the property insured—property on shipboard or in storage, not subject to this limitation; and not exceeding ten thousand dollars on any one block of buildings, or stock of goods in buildings, or on shipboard.

In relation
to insurance

83. SEC. V. That whenever the said incorporation shall make any insurance on any property, the member so insured shall pay the required premium in cash, or give his note or bond, well secured for the amount of insurance money, payable one day after date, and shall deposit, in money, with the treasurer of the corporation, or its appointed agent, at least twenty per cent. of said note, which shall be entered as a credit thereon, and the fund thus raised may be applied to the payment of the losses and expenses of the corpora-

Insurance
may be
paid by
cash, note
or bond.

Duty of insured in case of loss.

May divide surplus. tion; and in the event of an accumulated surplus beyond the necessities of said corporation, the directors are hereby authorized to divide the same among the stockholders thereof, according to the respective amounts of their premiums; and the directors may at any time when the necessities of the company require it, collect

And call in assessments. such further sum as may be necessary, by making assessments on said notes or bonds in proportion to the original amount of each note or bond, giving thirty days' notice by mail to each member, but no member shall in any event be liable to pay more than his premium note or cash premium.

Duty of insured in case of loss. 84. SEC. VI. That whenever any person shall sustain any loss of the property so insured, he shall, within thirty days after his knowledge of said loss, and in the case of real estate, before any repairs or alterations are made, give notice, in writing, of the same to some one of the directors, or other persons appointed by the directors,

Proceeding to ascertain damage. whose duty it shall be to view, immediately, the premises where the loss occurred, or otherwise make satisfactory inquiries into the circumstances attending it, and under oath determine, in writing, by him subscribed, the amount, if any, of the liabilities of said corporation for such loss; and if the sufferer shall not acquiesce in such estimate, he may, within sixty days after he is notified of the estimate, bring an action at law against said corporation; if in this action he shall not receive as damages more than the amount estimated as aforesaid, he shall be liable for all costs incurred in the suit, and execution shall issue against the corporation only for such amount as may be allowed, after deducting said costs of suit; but if the amount allowed be greater than the estimate, then the corporation shall be liable for all the costs of suit; and in all suits at law or in equity, prosecuted for or against said corporation, any member thereof, not not being a party in his individual character to such suit or suits, shall be a competent witness.

If insured is dissatisfied with estimate.

General powers. 85. SEC. VII. That said corporation shall be entitled to hold real and personal estate to any amount necessary for the purposes and interests of the same; shall have and use a common seal, and shall have power to make such by-laws, rules and regulations as may be thought proper, not repugnant to the laws of this State.

Property insured bound for premium. 86. SEC. VIII. That when the said corporation shall make insurance on any property, the interest of the person insured in said property shall be held as security for the payment of the deposit note or bond given to the corporation, and the policy of the insured, shall from the time it issues create a lien on the said property, and no transfer of the said property shall effect the said lien: *Provided*, it shall be expressed in the policy that the insurance is made subject to such lien; and in case of loss or payment therefor, the party insured shall receive in part payment the premium note given for the insurance of the said property.

Members in default. 87. SEC. IX. That if any member of said corporation obtaining insurance, or in case of his death, his legal representative, shall refuse

The Waynmon and Franklin Manufacturing Company, of Upson county.

or neglect to pay any assessment within thirty days after the demand be made, or any installment on his deposit note, he shall be liable to a suit therefor, by the corporation, in any Court having competent jurisdiction; and also the liability of the corporation for the policy under which the payment is withheld shall be suspended until said payment is made, and if said payment is not made within six months the said policy shall be, to all interests and purposes, forever forfeited.

88. SEC. X. That any three of the persons herein named as corporators may call the first meeting by advertising the same once a week for three successive weeks in one public journal in Marietta, Atlanta, and Savannah. Who may call first meeting.

89. SEC. XI. That no policy of insurance shall be issued by said company until the sum subscribed to or insured shall amount to fifty thousand dollars. No policy to issue until \$50,000 is subscribed

90. SEC. XII. That any person insured shall have the right to return his policy and demand his note at any time before it would expire by its own limitation: *Provided*, there be no unpaid assessment upon the note, or there be no losses unprovided for. Right of person insured to demand his note.

SEC. XIII. Repeals conflicting laws.

Approved December 12th, 1871.

No. CXXXVI.—(O No. 54.)

An Act to incorporate the Waynmon and Franklin Manufacturing Company, of Upson County.

91. SECTION I. *Be it enacted by the General Assembly of Georgia*, That George P. Swift, Sr., Louis Hamberger, and such other persons as now are or hereafter may be associated with them, shall be, and are hereby constituted and declared a body politic and corporate, by the name and style of the Waynmon and Franklin Manufacturing Company, and by that name they, their successors and assigns, shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts, tribunals and places whatever, and shall have power to adopt, make and use a common seal, and the same to change, alter and amend, and they and their successors and assigns, by the same manner and style shall be capable of purchasing, holding, and conveying any property whatsoever necessary or expedient to carry out and fulfill the objects of said corporation; the principal place of business of said company shall be at Waynmonville, Upson county, Georgia. Names of corporators
Name and style.
General powers.
Residence of company

92. SEC. II. The capital of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each, transferrable in such manner, and under such restric- Capital stock.

Annual meetings and elections.

tions, as the said corporation by their by-laws may require and direct.

To open
books.

Provisions
for organi-
zation.

To deliver
books,
funds, etc.,
to directors
elect.

Annual
meetings
and elec-
tions pro-
vided for.

Vacancies,
how filled.

Sec'y and
Treas. to
be elected.

In case of
failure to
elect direc-
tors, previ-
ous board
may act.

93. SEC. III. The above named persons and their associates, or a majority of them as commissioners may open books to receive subscriptions to the capital stock of said corporation at such time and place as a majority of them may think proper, and as soon as one hundred and seventy-five thousand dollars upon the capital stock shall be subscribed and twenty-five per cent. paid in, to give notice for a meeting of the stockholders to choose five directors among said stockholders, and such election shall be made at the time and place appointed by such stockholders as shall attend for the purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said George P. Swift, Sr., Louis Hamberger, and their associates, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and the commissioners shall deliver over the subscription books, with funds in hand, to said directors, who may keep the same open by a vote of a majority of the stockholders, for further subscriptions, if the same be deemed expedient, until the entire amount of capital stock shall be subscribed, and each stockholder so subscribing after the organization of said corporation as aforesaid, shall be bound by said election and organization until the next annual election in course, as is hereinafter provided, when he or she shall be entitled to vote as original stockholders.

94. SEC. IV. There shall be an annual meeting of the stockholders of said corporation at such time and place as the corporation may provide by its by-laws, for the purpose of electing directors, and that the time of holding the first meeting of the directors, under the said first election, shall be fixed by the directors or a majority of them, and the said directors chosen at said election or at the annual election, to be afterwards held, shall, as soon as may be after subsequent elections, choose out of their number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said remaining directors, or a majority of them may appoint a president *pro tem.*, who shall exercise such powers and functions as the by-laws of said corporation may provide.

95. SEC. V. The said directors or a majority of them shall elect simultaneously with the president, annually, a suitable person, who shall discharge the duties as secretary and treasurer of said corporation, who shall be a stockholder in the same.

96. SEC. VI. In case it should happen that an election of directors should not be made, when, pursuant to this Act, it should be had, the said corporation shall not by reason thereof be dissolved, but said election shall be held at any other time; and the directors previously elected shall continue as directors until a new election shall be had, a

Van Wert Slate Mining Company, of Polk county.

majority of said directors of said corporation to transact all business of said corporation; and they shall have power to call in the capital stock of said company by such installments as they may think advisable, giving thirty days' notice thereof to the stockholders, by advertisement in some newspaper or newspapers; in case of the non-payment of said installments the stockholders so failing to pay their installments within thirty days after the same become due, shall forfeit their share or shares and the amount before paid to the corporation.

To forfeit stock in case of non-payment.

97. SEC. VII. The directors of said corporation or a majority of them shall settle and adjust the books and accounts of said corporation at least once every year, and submit a detailed statement of the affairs thereof to the stockholders at their annual meeting, and declare and pay such dividend of the actual profits thereof as the condition of the said company may justify; and the stockholders shall have power to adopt such by-laws for the government and safe and successful management of the property and business of said company as they may deem proper, not inconsistent with the charter or the laws of the State of Georgia and of the United States.

Directors to inspect and adjust books annually, and adopt by-laws.

98. SEC. VIII. Said directors or a majority of them shall have power to exact from the treasurer, or any other officer of said company, a bond, in such sum as they may deem proper, for the faithful performance of the duties of said office.

Directors may take bond from treasurer or other officer.

99. SEC. IX. The said corporation shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable to its creditors only to the extent of the amount of their stock not paid up.

Liability.

100. SEC. X. The State reserves the right to tax the property of said corporation as other property of this State.

May tax company.

Approved December 11th, 1871.

No. CXXXVII.—(O No. 2.)

An Act to incorporate the Van Wert Slate Mining Company, of Polk county, and for other purposes.

101. SECTION 1. *The General Assembly of Georgia do enact, That* W. C. Barber, Henry Banks, and Henry Scott, their associates and successors be, and are hereby made and constituted a body politic and corporate, under the name and style of the Van Wert Slate Mining Company, vested with full power to sue and be sued, plead and be impleaded, contract and be contracted with, buy and sell property, so far as may be necessary to carry on the business of said corporation, and they shall also have power to make all by-laws that may be necessary to the proper and orderly conduct of their business not inconsistent with the Constitution and laws of this State.

Corporatⁿs Name. Powers.

Oglethorpe Fertilizing Company.

Service
in suits.

102. SEC. II. That all suits brought against said company, copies thereof shall be served on the president, and notice, in writing, served on the secretary.

Officers of
company.

103. SEC. III. That the officers of said corporation shall consist of a president, secretary and treasurer, and not more than five directors.

SEC. IV. Repeals conflicting laws.

Approved November 24th, 1871.

No. CXXXVIII.—(O No. 28.)

An Act to incorporate the Oglethorpe Fertilizing Company, and for other purposes.

Corporat'rs

Name and
powers.Object of
corporat'nOther
powers of
company.

Proviso.

Function of
corporat'n
in relation
to stock,
elections,
etc.

104. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That William B. Brightwell, David C. Barrow, Samuel Bailey, Augustus T. Brightwell, James H. McWhorter, Pope Barrow, Thomas Flemming, and Joe McWhorter, and such others as may be associated with them, their successors and assigns, are hereby created a body politic and corporate, under the name and style of the Oglethorpe Fertilizing Company, and by that name shall be and are hereby made able and capable, in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, all real and personal estate, of whatever kind and amount, said corporation may deem necessary to carry all the objects of said corporation into effect, and may sell, grant or convey, or otherwise dispose of the same, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all Courts having competent jurisdiction; to make, use, and have a common seal, and alter and renew the same at pleasure, and to do all other acts incident to a body corporate and politic.

105. SEC. II. That the object of said corporation shall be the manufacture of commercial manures or phosphates, at or near Maxey's depot, in Oglethorpe county, Georgia, at which place their business office is located.

106. SEC. III. That said corporation shall have power to borrow money on mortgage or other security, and to loan out its surplus in the same manner, and to establish such by-laws, rules and regulations as they may deem necessary and expedient to carry into effect the object of the company: *Provided*, such by-laws shall not be inconsistent with the laws of this State or of the United States.

107. SEC. IV. That the said body corporate shall have power to prescribe the number of shares into which the capital stock of the said company shall be divided, the mode in which it shall be taken, paid, transferred and assigned; and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled, and the rules adopted shall be uniform, equally

Georgia Diamond Mining Company.

securing the rights of each stockholder; and also to provide for the election of such officers as may be necessary for the government and the management of the affairs of said corporation; and also to ordain such rules and regulations, with respect to stockholders who refuse to pay up any balance on their stock, as will compel them to pay upon a penalty of forfeiting such stock to said corporation: *Provided*, that no stockholder shall be liable beyond the amount of his, her or their stock; and the stockholders in said company shall be liable, *pro rata*, for the debts of said company to the amount of stock by them respectively held at the time such liability was incurred, and for no greater amount.

108. SEC. V. That the capital stock of said company or corpora- ^{Capital stock.} tion shall be twenty thousand dollars, subject to be increased to one hundred thousand dollars.

109. SEC. VI. That the corporate powers and franchises hereby ^{Duration.} granted shall continue for thirty years.

SEC. VII. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXXXIX.—(O No. 157.)

An Act to incorporate the Georgia Diamond Mining Company.

110. SECTION I. *The General Assembly of the State of Georgia do enact*, That B. Y. Sage, Turner Smith, E. W. Holland, E. Law- ^{Corporat'rs} shee, Turner Goldsmith, G. W. Hinkle, Madison Bell, M. S. Stephenson and A. Austell, and their associates and successors be, and are hereby made and constituted a body corporate, under the name ^{Name and} and style of the "Georgia Diamond Mining Company," and by ^{general powers.} that name may sue and be sued, answer and be answered unto, plead and be impleaded, contract and be contracted with, buy and sell property, both real and personal, or lease lands for mining purposes, so far as may be necessary for the purpose of mining for diamonds in this State; they shall have power to make all rules and by-laws necessary or proper for conducting their said mining business, not inconsistent with the laws of this State and the Constitution thereof, or of the United States.

111. SEC. II. That the capital stock of said company shall be ^{Capital stock.} ten thousand dollars, to be divided into shares of one hundred dollars each. The company may increase its capital stock to one million.

112. SEC. III. That the said company shall have authority to ^{By-laws and officers} prescribe in its by-laws the number, titles and compensation of the officers of the company.

113. SEC. IV. That said company shall keep its principal office ^{Principal office.} in Atlanta, which shall be held its principal office for all legal purposes.

SEC. V. Repeals conflicting laws.

Approved December 13th, 1871.

The Grand Bay Paper Manufacturing Company.

No. CXL.—(O No. 34.)

An Act to incorporate the Grand Bay Paper Manufacturing Company.

114. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Banks, Fred Hope, James Banks, Henry Banks, Jr., Albert Converse, H. T. Peeples, James W. Talley, John T. Carroll, Thomas Paulk, John W. Harrall, Richard N. Peeples, Henry B. Holliday, Joshua Griffin, William H. Dasher, John Isom, Hampton A. Mattox, Alexander Holtzendorf, John M. Spence, John Moore, M. Kirkland, James H. Hunter, Reason Paulk, R. W. Phillips, James W. Staton, J. P. Staton, M. R. B. Outlaw, Manassa Henderson, Jr., Reuben W. Clements, their associates and successors shall be and they are hereby declared, made and incorporated a body corporate and politic with all the rights and privileges common to and necessary to such corporations, under and by the name and style of the Grand Bay Paper Manufacturing Company, and under that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kinds, nature or quality, and the same to sell, grant, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity, in this State, having competent jurisdiction, and also to have a common seal and to alter the same at pleasure; to make such by-laws, rules and regulations as are not to be inconsistent with the Constitution and laws of this State or the United States. Said company to have its principal place of business at or near Milltown or such other place as they may agree on, such place, if changed, to be advertised in one of the gazettes of this State.

115. SEC. II. That said company shall be, and they are hereby authorized to manufacture palmetto, wire-grass or any other grasses, or any fibrous wools or fibrous or textile plants, into paper, the same being plants of Southern growth, and to manufacture such paper, when so made, into any forms, shapes or quantities, and to vend the same when manufactured.

116. SEC. III. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to any amount, as a majority of the stockholders may desire, not to exceed five hundred thousand dollars; said capital stock to be divided into shares of twenty-five dollars each, each shareholder being entitled to one vote.

117. SEC. IV. That when fifty thousand dollars of said stock shall have been subscribed, the persons before named, or any four of them, shall be authorized to call a meeting of the stockholders and organize said company by the election of seven directors, one of

Flint River Manufacturing Company, of Upson county.

whom shall be elected president, who shall hold his office twelve months from said organization, or until his successor is elected, and to adopt such by-laws, rules and regulations as they may deem necessary and proper for the successful prosecution of said business; each incorporator shall be authorized to receive subscription for stock at such place, manner and time as to them may seem proper.

118. SEC. V. That said company shall keep fair and regular entries (in books prepared for that purpose) of their proceedings, which books shall be open to the inspection of all persons concerned, and all transfers of stock shall appear on said books. Minutes of proceedings

119. SEC. VI. That this corporation shall continue thirty years from the date of its approval. Duration of charter.

120. SEC. VII. That each stockholder shall be liable for the debts of said corporation to the amount of his, her or their stock actually subscribed into said corporation. Individual liability.

121. SEC. VIII. That the property, manufactured and unmanufactured goods, raw and manufactured material, and earnings of said company shall be exempt from taxation, State and county, for the space of five years from the date of this organization. Property exempt from taxation.

SEC. IX. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXLI.—(O No. 80.)

An Act to incorporate the "Flint River Manufacturing Company of Upson County," and for other purposes.

122. SECTION I. *Be it enacted by the General Assembly of Georgia,* That Nathan Respass, Sr., George P. Swift, Sr., John R. Respass, William T. Respass, and such other persons as now are, or may be hereafter associated with them, shall be, and are hereby constituted and declared to be a body politic and corporate, by the name and style of the "Flint River Manufacturing Company," and by that name they, their successors and assigns, shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts, tribunals and places whatsoever, and shall have power to adopt, make and use a common seal, and the same to change, alter and amend, and they and their successors and their assigns, by the same manner and style, shall be capable of purchasing, holding and conveying any property whatsoever, necessary or expedient to carry out and fulfill the objects of said corporation; the principal business of said company shall be at the Flint River Factory, Upson county, Georgia. Corporat'rs
Name and general powers.
Principal office.

123. SEC. II. That the above named persons, and their associates, or a majority of them, as commissioners, may open books to receive subscriptions to the capital stock of said corporation, at May open books of subscription

Annual meetings.

such time and place as a majority of them may think proper ; and as soon as one hundred and seventy-five thousand dollars upon the capital stock shall be subscribed, and twenty per cent. paid in, to give notice for a meeting of the stockholders to choose five directors among said stockholders, and such election shall be made at the time and place appointed by such stockholders as shall attend for the purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote ; and the said Nathan Respass, Sr., George P. Swift, Sr., John R. Respass, William T. Respass, and their associates, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected ; and the commissioners shall deliver over the subscription book, with funds in hand, to said directors, who may keep the same open by a vote of the majority of stockholders for further subscriptions, if the same be deemed expedient, until the entire amount of capital stock shall be subscribed ; and each stockholder so subscribing after the organization of said corporation as aforesaid, shall be bound by said election and organization until the next annual election in course, as is hereinafter provided, when he or she shall be entitled to vote as original stockholders.

Organiza-
tion.Annual
meetings.Vacancies,
how filled.Secretary
and Treas.Corporat'n
not to be
dissolved
in case of
failure of
election.

124. SEC. III. That there shall be an annual meeting of the stockholders of said corporation at such time and place as the corporation may provide by its by-laws, for the purpose of electing directors, and that the time of holding the first meeting of the directors under the said first election shall be fixed by the said directors, or a majority of them, and the said directors chosen at said election, or at the annual election, to be afterwards held as soon as may be after subsequent elections, choose out of their number a president ; and in the case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said remaining directors, or a majority of them, may appoint a president *pro tem.*, who shall exercise such powers and functions as the by-laws of said corporation may provide.

125. SEC. IV. That the said directors, or a majority of them, shall elect simultaneously with the president, annually, a suitable person, who shall discharge the duties of secretary and treasurer of said corporation, who shall be a stockholder in the same.

126. SEC. V. That in case it should happen that an election of directors should not be made, when pursuant to this Act it should be had, the said corporation shall not, by reason thereof, be dissolved, but said election shall be held at any other time, and the directors previously elected shall continue as directors until a new election shall be had, a majority of said directors of said corporation to transact all business of said corporation ; and they shall have power to call in the capital stock of said company by such installments as they may think advisable, giving thirty days' notice

Excelsior Slate Mining Company of the county of Polk.

thereof to the stockholders, by advertisement in some newspaper or newspapers; in case of the non-payment of said installments, the stockholders so failing to pay their installments within thirty days after the same become due, shall forfeit their share or shares, and the amount before paid to the corporation. Failure to pay installments.

127. SEC. VI. That the directors of said company or a majority of them shall settle and adjust the books and accounts of said corporation at least once a year, and submit a detailed statement of the affairs thereof to the stockholders at their annual meeting, and declare and pay such dividend of the actual profits thereof as the condition of the company may justify; and the stockholders shall have power to adopt such by-laws for the government and safe and successful management of the property and business of said company as they may deem proper, not inconsistent with this charter or the laws of the State of Georgia and of the United States. Directors to make annual statement. By-laws.

128. SEC. VII. That said directors or a majority of them shall have power to exact from the treasurer or any other officer of said company a bond, in such sum as they may deem proper, for the faithful performance of the duties of said office. Officers to give bond.

129. SEC. VIII. That the said corporation shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable to its creditors only to the extent of the amount of their stock not paid up. Liabilities of stockholders.

130. SEC. IX. That the State reserves the right to tax the property of said corporation as other property of this State. Right of taxation reserved.

131. SEC. X. That the capital of said company shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each, transferable in such manner and under such restrictions as the said corporation by their by-laws may require and direct. Capital stock.

Approved December 12th, 1871.

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No. CXLII.—(O No. 3.)

An Act to incorporate the Excelsior Slate Mining Company of the County of Polk, and for other purposes.

132. SECTION I. *The General Assembly of Georgia do enact, That John H. James, Turner Goldsmith, V. A. Gaskill and James F. Dever, and their associates and successors be, and they are hereby made and constituted a body politic and corporate, under the name and style of the Excelsior Slate Mining Company, vested with full power to sue and be sued, plead and be impleaded, contract and be contracted with, buy and sell property, so far as may be necessary to carry on the business of said corporations; and they shall also have power to make all by-laws that may be necessary to the proper and orderly* Corporators. Name. Powers.

The Chattahoochee Manufacturing Company.

conduct of their business, not inconsistent with the Constitution and laws of this State.

Officers. 133. SEC. II. That the officers of said corporation shall consist of a president, secretary and treasurer, and not more than six directors.

Service in suits. 134. SEC. III. That all suits brought against the company, a copy of the same shall be served on the president, and notice also given to the secretary.

SEC. IV. Repeals conflicting laws.

Approved November 24th, 1871.

No. CXLIII.—(O No. 29.)

An Act to incorporate the Chattahoochee Manufacturing Company, and for other purposes.

Corporat'ns 135. SECTION I. *The General Assembly of Georgia do enact, That* Alfred Austell, Edward W. Holland, R. H. Richards, David G. Cotting, Levi Nathans, and such others as they may associate with them, and their successors and assigns, are hereby incorporated and
Name and residence. made a body corporate under the name and style of "The Chattahoochee Manufacturing Company," whose residence and principal office shall be in the city of Atlanta, and as such corporation, shall have all such rights and privileges as are necessary to conduct the business and carry out the objects of said corporation, or such as are legally incident to a corporation.

Powers and privileges. 136. SEC. II. Said corporation shall have power to build, keep up and use any locks, canals, dams or other appliances for the purpose of controlling the waters of the Chattahoochee River for manufacturing purposes upon their own lands, and at such places as they may determine on; and the objects of said corporation shall be for
May build locks, canals, etc. the manufacture of cotton, wool or other fibrous substances, into cloth, thread or other fabrics, or the manufacture of flour, meal, lumber or any other kind of goods, wares or implements as they may see proper to engage in. They may acquire, hold and use, all such lands, machinery, materials and other property as may be necessary for the purposes of their incorporation; for factories, mills, dams or other structures which it may be necessary for said corporation to erect or to use.

Objects of organizat'n 137. SEC. III. That the capital stock of said company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, to be called in as determined on by the directors, together with the privilege of increasing the capital stock, if necessary, to five hundred thousand dollars: *Provided*, that said company shall not commence business until at least fifty thousand dollars shall be subscribed and paid in.

138. SEC. IV. That the said Alfred Austell, E. W. Holland, R.

To open and construct a certain railroad in this State.

H. Richards, D. G. Cotting and L. Nathans, are hereby constituted the first board of directors, and may open books of subscription to the capital stock of said company, in such manner as they may deem best for its organization and the conduct of the affairs thereof, and the said board of directors shall continue in office until their successors are elected. The board of directors shall have power to make by-laws for the management of the affairs of the company, and to repeal or change the same at their pleasure.

139. SEC. V. The shares of said company shall be transferable only on the books of said company, and if the owner of any share or shares shall neglect or refuse to pay any installment assessed thereon for the space of thirty days from the time said installment was due and payable, the treasurer of the company may, by order of the board of directors thereof, sell at public auction a sufficient number of any shares held by said defaulter to pay all installments then due by him or her, together with all necessary costs and charges; and the treasurer shall give public notice, in some one of the newspapers published in Atlanta, for two weeks, stating time and place of sale, and the sum due on each share by said defaulting stockholder. The purchaser shall receive a bill of sale from the treasurer of the company, and shall thereafter be entitled to have the shares purchased by him or her transferred to him or her on the books of the company, and shall be liable to all future installments on the stock so purchased.

140. SEC. VI. This Act shall be in force from the date of its passage, and continue in force for the term of fifty years.

SEC. VII. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXLIV.—(O No. 86.)

An Act to amend an Act approved October 27th, 1870, to open and construct a Railroad from Athens, Georgia, via Claksville in Habersham county, or some point on the Blue Ridge Railroad, near Clayton, by the most practicable route.

141. SECTION I. *Be it enacted by the General Assembly of Georgia,* That the words "or near," in the third line of the section of the above recited Act be, and the same are hereby stricken out.

142. SEC. II. That all of section ten of said Act from and after the word "provided" be, and the same are hereby stricken out.

143. SEC. III. Repeals conflicting laws.

Approved December 12th, 1871.

To incorporate the Atlantic, Fort Valley and Memphis Railroad Company.

No. CXLV.—(O No. 30.)

An Act to incorporate the Atlantic, Fort Valley and Memphis Railroad Company, and for other purposes therein mentioned.

144. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met*, That B. H. Bigham, Sherwood Swanson, W. W. Cato, Michael Summerlin, G. W. Peddy, Henry Harris, W. R. Faver, J. C. Robinson, R. F. Hall, Joseph Allen, Wm. Johnson, Henry T. Jennings, J. J. Clarke, W. G. Vinson, W. L. Rutherford, W. A. Matthews, D. H. Houser, W. R. Brown, J. A. Everett, J. R. Griffin, W. J. Anderson, H. M. Holtzclaw, Abraham Crowder, C. C. Duncan, Joseph Tooke, Augustus Jeter, J. W. Wimberly, John H. Pate, J. J. Sparrow, J. M. Kibbee, J. S. Pentecost, and their associates, successors and assigns, be, and they are hereby declared and constituted a body corporate and politic, by the name and style of the Atlantic, Fort Valley and Memphis Railroad Company.
145. SEC. II. That the principal office of said company shall be in the city of Fort Valley, and said corporation is hereby authorized and empowered to lay out and construct, build and equip, maintain and use, a railroad with all necessary equipments and appurtenances, to commence at, and extend from the city of Hawkinsville in Pulaski county, through Hayneville, Perry and Fort Valley of Houston county, Knoxville of Crawford county, Thomaston of Upson county, Greenville of Meriwether county, and LaGrange of of Troup county, to such point on the line between the States Georgia and Alabama, as may be hereafter determined upon by the board of directors of said company; and by such corporate name shall be capable in law to purchase, accept, hold, sell and convey real and personal property, make contracts, sue and be sued, make by-laws, and do all lawful acts properly incident to a corporation, and necessary and proper for the transaction of the business of the corporation, and construction and use of the work for which it is incorporated, to have and use a common seal, and the same to alter and destroy at its pleasure.
146. SEC. III. That the capital stock in said company shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each, and the board of directors of said corporation shall have power to prescribe the terms and conditions of the subscriptions of stock in said company, and issue certificates for the same: *Provided*, that the board of directors shall have the right to increase the capital stock of said company to such an amount as they may deem necessary to extend, build and equip their said road to Memphis, or such other point on the Mississippi river, in the State of Tennessee or Mississippi, as said board of directors may determine on, by the consent of the proper authorities of the States of Alabama, Mississippi and Tennessee, and said corporation is further empowered to

Highest number of votes to elect.

build and equip such branch roads connected with the main road as said company may deem proper, and for such purpose may increase their capital stock to an amount sufficient for the purpose aforesaid.

147. SEC. IV. That the officers of said company shall consist of a president and eight directors, or such number as the board of directors may establish by by-laws; the president and board of directors shall be elected by the stockholders, and shall hold their office for one year or until a new election is had; the president shall always have a vote and voice as a director; the annual election for president and directors shall be annually, on the first Wednesday of November, until the board of directors shall, by by-laws, fix upon a different day. Officers.

148. SEC. V. That the number of votes to which each stockholder shall be entitled shall be equal to the number of shares that he, she or they may have or hold in his, her or their own right, or as trustee for thirty days prior to the election, one to each share; the said board of directors shall have power to fill all vacancies which may occur in their board, and shall fix the compensation of the president of said board and all other officers of said company. Five directors shall constitute a quorum for the transaction of business, of whom the president shall be one, except in case of sickness or necessary absence, in which event his place may be supplied by any one of the directors present, to be elected president *pro tem.* by a majority of the board present. Regulations as to elections, etc.

Quorum of directors.

149. SEC. VI. That the said Atlantic, Fort Valley and Memphis Railroad Company shall have power and capacity to purchase, have and hold in fee simple, or for years, to them and their successors, any lands, tenements or hereditaments that they may find necessary for the site on and along which to locate, run and establish the aforesaid railroad, or to vary or to alter the plan or plans, and of such breadths and dimensions through the whole course of said road as they may see fit; and also, in like manner, to purchase and hold any lands contiguous to, or in the vicinity of, said railroad, that they may find necessary for the purpose of procuring all necessary or proper materials for constructing, repairing and adequately guarding and sustaining said railroad; and in like manner, to purchase all rights of way on land, and all necessary privileges on waters or water courses, that may lie on or across the route of said road; also, all lands contiguous thereto that may be found necessary for the erection of offices, storehouses and other buildings, structures or accommodations, that may be necessary or useful to said road or the business thereof; and said company shall have power to conduct the railroad across any public road or highway, and across any streams or water-courses that may be across the route: *Provided*, said company shall so construct their railroad across all public roads, as not to obstruct or impair the same. Other powers of company.

150. SEC. VII. In all, or in any case or cases, where land or private rights of way may be required by said company for the uses

Exclusive right of company.

Proceeding in case of a disagreement as to right of way.

aforesaid, and the same cannot, for the want of agreement between the parties as to price, or any other cause, be purchased from the owner or owners thereof, the same may be taken at a valuation to be made by three commissioners, or a majority of them, to be appointed by the Superior Court of the county where the land or the right of way be situated; and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them; in making said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken, or the right of way obstructed, and also the benefit and advantage that he, she or they may receive from the establishment of said railroad, and shall state particularly the nature and amount of each, and the excess or loss, or damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way; the proceedings of said commissioners, accompanied with a full description and plat of said land, shall be returned under the hands and seals of said commissioners, or a majority of them, to the Court whence said commission issued, there to remain of record; and the lands or right of way shall vest in said company in fee simple as soon as the valuation thereof may be paid, or when tendered may be refused: *Provided*, that if either party shall be dissatisfied with the award of the commissioners, he, she or they may appeal to the Superior Court of the county in which the land lies, and have the damages ascertained by the verdict of a jury at the first term, and such verdict shall be conclusive and binding on both parties, but with the right to appeal to the Supreme Court of the State.

Exclusive right of company.

151. SEC. VIII. That said company shall have the exclusive right of transportation and conveyance of persons, produce and merchandise and all other things over the railroads to be by them constructed, as long as they shall see fit to exercise such exclusive right, they may, in the discretion of the directors, lease or rent out their said road and other property, and make all by-laws and regulations touching said roads, and the uses and business of said road and corporation which they may deem fit and expedient: *Provided*, the same be not repugnant to the Constitution and laws of this State or of the United States.

Trespassers may be indicted and punished.

152. SEC. IX. That if any person or persons shall intrude on said road or any part thereof, by any manner of injury, obstruction or use thereof, or of the rights or privileges therewith connected, without the permission, or contrary to the will of said company, the person or persons so intruding shall and may be indicted as for a misdemeanor, and on conviction, fined and imprisoned by sentence of the Superior Court of the county where such offense is committed; and if any person shall willfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall willfully and maliciously cause, or aid and assist, or council and advise any other person

 President and directors to exercise powers of company.

or persons to destroy, or in any manner to hurt, damage or injure, or obstruct the said railroad, or any bridge, vehicle, edifice, right or privilege connected therewith, such person so offending shall be liable to be indicted, and on conviction thereof shall be punished as now provided by law.

153. SEC. X. That the power of making the by-laws, and of appointing such officers, agents and servants, as the business of the company may require, and of controlling, generally, its affairs, and of entering into contracts in its behalf, shall be exercised by the president and directors of said company.

Pres't and directors to exercise powers of company.

154. SEC. XI. That the president and directors of said company are authorized from time to time to call on the stockholders for the payment of such installments on the shares subscribed, as they may deem necessary and expedient for the prosecution and completion of the said works, until the whole of the stock subscribed shall be paid in, and said president and directors shall give thirty days' previous notice of the amount of the installments so required to be paid, and of the time of payment, and a failure on the part of any stockholder to pay up one of the installments so called for as aforesaid, in the discretion of said directors, may induce a forfeiture of the share or shares on which said default is made, and all part payments thereon, and the same shall vest in and belong to said company, and may be appropriated, as they shall see fit, to the purposes for which said company was chartered.

Installm'ts
Notice of payment.
Forfeited if not paid.

155. SEC. XII. That the said company shall have and enjoy all the rights and privileges and immunities granted to the Central Railroad and Banking Company, except the privilege of banking, and also all rights, privileges and immunities granted to this company by its original charter and amendments thereto.

Company to enjoy same right as Central Railroad, except banking.

156. SEC. XIII. That the charter hereby granted shall continue for the term of thirty years, to be computed from the time said road shall have been completed to the Alabama line.

Term of charter.

157. SEC. XIV. That said corporation shall in no case pay a higher rate of taxation on its net income or on its property than may by law be imposed on the Central Railroad, the Georgia Railroad or the Air Line Railroad.

Taxation limited.

158. SEC. XV. That a number of stockholders, not less than ten, who together shall be proprietors of five hundred shares or more, shall have power at any time to call a meeting of the stockholders for purposes relative to the interest of the corporation, giving at least thirty days' notice in one or more of the public gazettes published at Fort Valley and LaGrange, specifying in such notice the object of such meeting.

Meetings of stockholders.

159. SEC. XVI. That said corporation shall have power, in the discretion of the directors, to issue bonds for the building or equipping of said road, or for funding any debt or debts of said company, and to mortgage the road and other property of the company to secure the payment of all bonds thus issued.

Company may issue bonds.

Atlanta and Lookout Railroad Company.

160. SEC. XVII. That all laws and parts of laws militating against this Act be and the same are hereby repealed, and that this Act shall be of force from the date of its passage.

Approved December 8th, 1871.

No. CXLVI.—(O No. 116.)

An Act to correct and amend an Act entitled "an Act to incorporate the Atlanta and Lookout Railroad Company, (and to extend the aid of the State to said company,)" approved October 24th, 1870.

Preamble. WHEREAS, The General Assembly did, at its last session, pass an Act incorporating the Atlanta and Lookout Railroad Company; and, whereas, by section eight of said Act it authorizes the Governor, that when as much as eight miles of said road was completed and in running order, to place the indorsement of the State on the bonds of said road for the amount of fifteen thousand dollars for every mile then completed, and a like amount for every mile afterwards completed; and, whereas, by mistake, or some clerical error in the enrollment of said bill, the eighth section of said bill was so changed and altered as to make it read, That when as much as five miles of said road is completed and in running order, the Governor shall place the indorsement of the State on the bonds of said road for the amount of fifteen thousand dollars for every eight miles then completed, and the like amount for every five miles afterwards completed; and, whereas, it is competent for this General Assembly to correct this said section of said Act, so as to make it conform with facts as existed at the time of the passage of the same; therefore,

How amended. 161. SECTION I. *Be it enacted by the General Assembly of this State,* That section eight of the above recited Act be so corrected and amended as to strike out of the first line of said section the word "*five,*" and insert in lieu thereof the word "*eight;*" and in the fifth line of said section after the word "*every,*" strike out the word "*eight,*" and in the sixth line of said section after the word "*every,*" strike out the word "*five,*" and after the word "*eight*" in the fifth line, and the word "*five*" in the sixth line, strike out the word "*miles,*" and (insert) in lieu thereof, in both of said lines, the word "*mile.*"

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

NOTE.—The part of section of the Act of October 24th, 1870, thus amended, was as follows:

"SEC. 8. That when as much as five miles of said road is finished and in complete running order, and the Governor is satisfied of that fact, it shall be his duty to place the indorsement of the State upon the bonds of said company for the amount of fifteen thousand dollars for every eight miles then completed, and a like amount for every five miles afterwards completed," etc.

Americus and Isabella Railroad Company.

No. CXLVII.—(O No. 120.)

An Act to amend the Charter of the Americus and Isabella Railroad Company, and for other purposes therein mentioned.

162. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passage of this Act the charter of the Americus and Isabella Railroad Company shall be amended as follows: The second section of said Act be stricken out, and the following be substituted for said section so stricken out: "*Be it further enacted by the authority aforesaid,* ^{Substitute for second section.} That the capital stock of said company shall not exceed twelve hundred thousand dollars, divided into shares of one hundred dollars each. Section 2, That section eight shall be amended by striking out the words 'paid in,' and in lieu thereof insert subscribed." ^{Further amendm't}

163. SEC. II. That the president and board of directors of said company are authorized to receive lands in payment for stock in said company, at a fair valuation, as may be agreed on by the parties at interest. ^{Payment may be made in land.}

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXLVIII.—(O No. 191.)

An Act to amend an Act incorporating the Atlantic and Great Western Canal Company.

164. SECTION I. *Be it enacted, etc.,* That section six of the Act incorporating the Atlantic and Great Western Canal Company, approved October 27th, 1870, be, and the same is hereby amended so as to authorize the election of the board of directors of said company to be held on the first Wednesday of January in each year, instead of the first day of January as now provided by said Act. ^{Time of holding election of directors.}

165. SEC. II. That the board of directors of said company shall have power to take, select, receive as donations, or condemn, for their use, such strips or parcels of land as they may deem necessary for the construction, convenience and protection of said canal; and in case of the disagreement between the owner or owners of said land and the board of directors, in regard to the damages of said strips or parcels of land, it may and shall be lawful for said board to appoint one disinterested freeholder as an appraiser, and the owner or owners of said land may select another freeholder, if he, she or they should think proper, and the Ordinary of the county in which the land may lie, shall appoint a third disinterested freeholder, but if such owner or owners shall decline to appoint an appraiser, on his, her or their part, then two shall be appointed by the ordinary aforesaid, all of ^{Authorized to take land for use of canal.} ^{Proceeding in case of a disagreement with owner.}

When contract cannot be made.

whom shall be sworn by said Ordinary or a Justice of the Peace to make and return to said Ordinary a true, just and and impartial valuation of the damages or value of said strips or parcels of land thus required by said company, taking into consideration the benefits as well as the injuries arising to the owner or owners; and their award shall be in writing and signed by a majority of the appraisers, and accompanied by a plot and full description of said land; and said award shall be taken and held as a judgment for the amount of damages against said company, and may be enforced by an execution from the Court of Ordinary of said county, and the said plot and description of said land, and said award shall be recorded in said county, in the same manner as deeds, and shall vest the fee simple right and title to said strips or parcels of land in the said company:

Proviso. *Provided*, that if either party be dissatisfied with the award of the appraisers, he, she or they may appeal to the first or second term of the Superior Court of the county in which said land may lie, and have the damages ascertained by the verdict of a special jury, at the first term, and such verdict shall be conclusive and binding on both parties; but such appeals shall not delay the progress of said canal on or over the land in question, the said company giving, or tendering bond with good security, to said owner or owners, to pay him, her or them, the amount of the final award in said controversy.

Special jury may decide question of damages.

166. SEC. III. That in case the owner of said strips or parcels of land that may be required for the use of said company, shall be an infant, married woman or lunatic, or other person incompetent to contract, or shall reside beyond the limits of this State, or shall be absent from the State, or in case said owner or owners are unknown and cannot be found, the Ordinary of the county in which said land may lie, shall appoint three disinterested freeholders to examine said land and estimate the damages thereto or the value thereof, and who shall, after reasonable notice to the parties, by publication or otherwise, as the Ordinary may direct, of the time and place where they will be heard of the matter, proceed without delay to hear the same, and make return thereof to said Ordinary, who shall deliver the same to the Superior Court of the county in which said land may lie, at the next session thereof, which said Court shall have power to confirm or reject said report.

Land belonging to persons unable to contract.

167. SEC. IV. That whenever such report shall be confirmed by the Court aforesaid, the said company shall, within two months thereafter, pay to said owner or to such person or persons as the Court may direct, the sum mentioned in said report for full compensation for said land or the damage thereto; and in all cases where the title or interest of any person or persons in lands required and taken up for the purposes of this Act, is doubtful or disputed, or in case the owner of said land shall be unknown or insane, *non compos mentis* or an infant or cannot be found, the value of said lands or the damage thereto, according to said report, shall be paid into said Court, and such payments shall have the same effect as if paid to

Company to pay damages in two months.

Atlanta and Blue Ridge Railroad Company, etc.

the owner, and shall vest a fee simple right to said lands in said company; and upon the petition of any person or persons claiming to be the owner or owners of said lands or of any portion thereof, or entitled to receive the proceeds thereof, the said Court shall pay over to said person or persons the amount mentioned in said report, upon proper and satisfactory proofs that they are entitled to the same.

168. SEC. V. That the board of directors or a majority of them, are hereby authorized and empowered to fill any vacancy that may at any time occur in said board. Vacancies.

SEC. VI. Repeals conflicting laws.

Approved December 14th, 1871.

No. CXLIX.—(O No. 79.)

An Act to amend an Act entitled "an Act to incorporate the Atlanta and Blue Ridge Railroad Company, granting State aid to the same, and for other purposes named therein," approved October 17th, 1870; and to authorize the corporators to reorganize, and for other purposes.

WHEREAS, A part of the corporators named in said Act incorporating said Atlanta and Blue Ridge Railroad Company have removed from the State of Georgia; and, whereas, said company, if organized at all by reason of the removal and inattention of the corporators and stockholders, the objects contemplated by the Act are not being accomplished, and the public good is not being advanced; and, whereas, this road is intended to traverse a very important part of the State of Georgia, where railroad facilities are greatly needed; and, whereas, an early organization of the company upon an honest basis and the construction of the road is earnestly desired; therefore, Preamble.

169. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That Abda Johnson, John J. Howard, William T. Wofford, J. R. Parrott and A. P. Wofford, of the county of Bartow, E. E. Field, John B. Richards and Wiley Petty, W. R. D. Moss, of the county of Cherokee, Harrison Summerour, of the county of Forsyth, John Palmour, John M. Bishop and John C. Richardson, of the county of Dawson, and James E. Wood and Nicholas F. Howard, of Lumpkin county be, and they are hereby made corporators, in, and for the Atlanta and Blue Ridge Railroad Company, and that they be, and they are hereby, associated with the corporators named in the original Act, of which this is amendatory, having equal powers and privileges with said original corporators. Corporat'rs
Associated with original corporators.

170. SEC. II. That the corporators named in said original Act, and those named in this Act be, and they are hereby created a body corporate, under the name and style of the Atlanta and Blue Ridge Railroad Company, with all the powers and privileges conferred Incorporated.

Consolidation of certain railroads.

upon said company by said original Act, of which this is amendatory' 171. SEC. III. That said corporators, or a majority of them, shall meet at the call of any two of their number, in Cartersville, at any time after the passage of this Act, and reorganize said railroad company, and said corporators, or a majority of them, in such meeting assembled, shall have power to change, revoke and annul, whatever has been done in regard to the organization of said company; and they shall have power to open books and take subscriptions of stock in such manner as said original Act directs, or as they shall deem advisable: *Provided*, that no action of said meeting of corporators shall be valid, unless each corporator residing in this State shall have notice, in writing, of the time and place of such meeting, served upon him in person, or by leaving the same at his most notorious place of abode, five days before said meeting.

Re-organization provided for.

Proviso.

SEC. IV. Repeals conflicting laws.

Approved December 12th, 1871.

No. CL.—(O No. 64.)

An Act to consolidate the Railroad Companies known as the Chattooga Coal and Iron Railroad, and the Trion Railroad Companies and, for other purposes.

172. SECTION I. *Be it enacted*, That the Chattanooga Coal and Iron, and Trion Railroad Companies, be consolidated and made one road; and the corporators named in the charters of said roads be constituted a board of directors or corporators of the said railroads so consolidated, retaining all grants and privileges in either or both of the existing charters, and shall be known as the Chattanooga and Walker Coal and Iron Railway Company, and that the capital stock of said company shall not exceed the sum of one million five hundred thousand dollars; and when the sum of one hundred thousand dollars shall be subscribed, the corporators of said company may commence work on said road.

Roads consolidated.

To be known as Chattanooga Coal & Iron Railway.

Capital stock.

SEC. II. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLI.—(O No. 113.)

An Act to construct a Railroad from Elberton, Georgia, to intersect with the New York and New Orleans Air Line Railroad by the most practicable route.

173. SECTION I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act, John H. Jones, Wm. H. Adams, R. P. Eberhart, James L. Heard, Drury P. Oglesby,

General powers of the company.

Albert C. Mathews, Thos. J. Bowman, John G. Deadwyler, Daniel M. Carlton, S. N. Carpenter, Clark Mattox, Wm. T. Van Dozier, David A. Mathews, John H. Grogan, James C. Harper, of Elbert county, Dr. Wm. Davanport, John Eberhart, of Oglethorpe county, Asa Deadwyler, of Madison county, John G. McCurry, Wm. Bow-ers, Charles W. Christian and J. W. Jones, of Hart county, John M. Freeman, of Franklin county, C. K. Jarrett, of Habersham county, or such of them, or such other persons as shall associate under the name hereinafter mentioned, shall be, and are hereby incorporated and made a body politic, with all the rights and privileges common and necessary to such corporations, under the name of the Name. Corporat'rs
Elberton Air Line Railroad Company.

174. SEC. II. That said company shall be authorized to build a railroad from the town of Elberton, in Elbert county, to intersect with the "New York and New Orleans Air Line Railroad," at Gainsville, in Hall county, or at any other point between Gainsville and the State line between the States of Georgia and South Carolina, by the route deemed most practicable, charging such amount for freight and travel as may be deemed expedient, and to open books and procure subscriptions for stock, at the rate of not exceeding one hundred dollars per share, at such times and places as may be thought proper; to elect a president and directors, to borrow money, make contracts, hold real and personal estate to and for the use of said road; that they may have a common seal, sue and be sued, plead and be impleaded in any Court of law and equity in this State, and by a board of directors make all such rules and regulations, or by-laws, as are necessary and proper for the good of the corporation, and effecting the objects for which it is created: *Provided*, they be not repugnant to the Constitution and laws of this State and of the United States. General powers of company.

175. SEC. III. That the capital stock of said company shall be one million dollars, divided into shares of not exceeding one hundred dollars, but shall be liable to be increased from time to time, and in such sum or sums as may be deemed expedient by the majority of the board of directors of said company for the time being: *Provided*, that said capital stock shall not be so increased as to exceed in the whole the sum of two millions of dollars; and it is also enacted, that the board of directors for the time being, shall be authorized to prescribe the terms and conditions of subscriptions for such capital stock as may from time to time be required. Capital stock.

176. SEC. IV. That said company shall have power to purchase and hold in fee simple to their own and their successors, or to receive as donations any lands or tenements, hereditaments that they may find necessary for the site on and along which to locate, run and establish said railroad; and also, to purchase and hold any lands contiguous to, or in the vicinity of said railroad, that may be necessary in procuring materials for constructing and repairing said road, and such as may be necessary to the erecting of toll houses, store houses, and all other buildings or accommodations that may be necessary and Powers of company.

Hawkinsville and Eufaula Railroad Company.

Right of way.

useful to said railroad or the business thereof; and also, all right of way on land, and all necessary privileges on water courses that may lie on or across the route of said road; and in all cases in which any controversy or difficulty may arise between individuals or corporations and said company or their directors, as to the right of way or damages of the land on which the same may be located, or as to the necessary privileges of water courses, it shall and may be lawful for either to apply to the Sheriff of the county in which said land or water privileges may be located, who shall summon a jury of five freeholders to enter upon upon the land sought to be appropriated to the use of said company, and to take said controversy into consideration, and award in writing the amount of damages, if any, to be paid by said company, either party having the right to appeal to the Superior Court of said county, under the same laws and regulations that apply to appeals in said Court; and in all instances such freeholders and jurors in said Superior Court shall be sworn, in addition to the usual oath in assessing damages, to take into account the prospective value of the road, land or property through which it may run, and to have evidence touching the same, and upon the payment of damages so assessed, as aforesaid, the principal title to such lands and privileges as may be necessary for the location of said road, building depots and other purposes, shall vest in said company.

Payment may be made in land, etc., for subscription.

177. SEC. V. That besides other property, said company, at its option in any case, shall have power to receive land, or other real estate, or mortgages thereon, or bonds for titles thereto, conditional or otherwise, in payment, or to secure the payment of the whole or any part of the subscriptions to its capital stock, at such valuation and upon such terms and conditions as may be agreed upon, under such rules and regulations as may be adopted by it, and to mortgage, lease, sell or otherwise dispose of said land so received, and, conditionally or otherwise, to transfer, assign or sell such mortgages and bonds for title, as shall be deemed advantageous to its interest.

May unite with any other company.

178. SEC. VI. That said company shall have power and authority to unite or consolidate with any other company or corporations as may be deemed proper by a majority of their corporators.

SEC. VII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLII.—(O. No. 59.)

An Act to incorporate the Hawkinsville and Eufaula Railroad Company.

179. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, U. B. Harrold, J. L. Wimberly, G. L. Rosser, W. W. Fitzgerald, E. J.

Further powers.

Eldridge, John A. Cobb, J. L. Woodward, Charles C. Kibbee, S. Rogers, A. J. Lane, J. E. Carter, A. S. Cutts, Sampson Bell, and such other persons as shall take stock under this Act, and their successors and assigns, shall be, and they are hereby, constituted a body politic and corporate, by the name of the Hawkinsville and Eufaula Railroad Company, and by that name may sue and be sued, plead and be impleaded in any Court of law and equity in this State; may have and use a common seal, and alter and destroy the same at pleasure; and may purchase, accept, have, hold, enjoy and convey all property, real, personal and mixed, which may be necessary and proper, or convenient in carrying out the purposes hereinafter mentioned, and generally may exercise all the powers incident to corporations, and shall continue as such corporation for one hundred years.

Corporat'ns

Corporate name and powers.

180. SEC. II. That said company shall have power and authority to survey, lay out, construct, equip, use, and enjoy a railroad from Hawkinsville to Florence, in Stewart county, Georgia, and to Eufaula, in the State of Alabama, or to some point opposite, or nearly opposite Eufaula, on the eastern side of the Chattahoochee river, passing through or near Vienna, in Dooly county, through or near Americus, in Sumter county, and through or near Lumpkin, in Stewart county; and shall further have power and authority to connect its road at its eastern and western *termini* with the roads of other companies constructed to said *termini*, or which hereafter may be constructed to said *termini*, and shall have power to build bridges over any rivers or streams intersecting the line of said railroad, subject, however, to the assent of certain incorporated companies as hereinafter expressed, and for the purposes aforesaid to borrow money and to issue (its) bonds, bearing such rate of interest as may be agreed upon, and to secure said bonds by a mortgage upon its entire property and franchises, and to sell such bonds at any rate of discount.

Further powers.

181. SEC. III. That the capital stock in said company shall be divided into shares of one hundred dollars each, and shall not exceed three millions of dollars.

Capital stock.

182. SEC. IV. That for the organization of said company, the said persons hereinbefore named, or a majority of them, shall appoint a time and place at which subscriptions of stock in said company may be made, of which they shall give twenty days' notice in a newspaper published at Americus, Georgia, and if at the time and place designated, one hundred thousand dollars are subscribed to the capital stock of said company, a meeting of the stockholders may be held at the same time and place, at which meeting they shall proceed to elect from their number seven directors, one of whom they shall elect as president, and said president and directors shall hold their offices for one year and until their successors are elected and installed into office, and shall have power to make and adopt by-laws for the government of said company and for the regulation of its affairs: *Provided*, that not less than five directors shall constitute a board for the transaction of business; the number of votes to which each

Organisa-
tion of
company.

Proviso.

May lease connecting roads, etc.

stockholder shall be entitled shall be the number of shares which he, she or they may hold in his, her or their own right, or as trustees; and the said board of directors shall have power to fill all vacancies which may occur in their own body or in any office of said company, until the regular annual election by the stockholders, to be provided for in the by-laws of said company; and if at the time and place designated, the amount of one hundred thousand dollars is not subscribed, the said persons hereinbefore named, or a majority of them, shall appoint again a time and place at which subscriptions of stock in said company may be made, giving twenty days' notice of such time and place in a newspaper published at Americus, Georgia, at which time and place, if said amount be subscribed, an organization may be effected as hereinbefore provided.

Company
may lease
connecting
roads.

183. SEC. V. That the said board of directors shall have power, with the sanction of the majority of the stockholders of said company in convention assembled, to lease any connecting road, or to be leased by any connecting road, or to amalgamate its stock with that of any connecting road, on such terms and conditions as may be agreed upon with such roads.

Right of
way.

184. SEC. VI. In all or any case or cases where land or private rights of way may be required by said company for the uses aforesaid, and the same cannot, for want of agreement between the parties as to price, or any other cause, be purchased from the owner or owners thereof, the same may be taken at a valuation to be made by commissioners or a majority of them, to be appointed by the Superior Court of the county where the land or right of way may be situated; and the said commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duties assigned them. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken or the right of way obstructed, and also the benefit and advantage which he, she or they may receive from the establishment of said railroad, and shall state particularly the nature and amount of each; and the excess of loss or damage over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of said commissioners, accompanied with a full description and plat of said land, shall be returned under the hands and seals of said commissioners or a majority of them, to the Court whence said commission issued, there to remain of record; and the lands or right of way shall vest in said company in fee simple, as soon as the valuation thereof may be paid, or when refused may be tendered.

Returns to
be made
by commis-
sioners.

Consent of
certain R.
R. Co's to
be obtain'd
etc.

185. SEC. VII. That the power to construct, equip, and enjoy and use a railroad, granted in the second section of this Act, shall not be exercised except with the consent of a majority of the corporators, or commissioners of the Americus and Hawkinsville Railroad Company, of the Americus and Florence Railroad Company, and of the

The LaGrange and Barnesville Railroad Company.

Enterprise Railroad Company, or if any of said companies have been organized with the consent of a majority of its directors acting with the sanction of a majority of its stockholders, and upon the condition that if such consent is given and accepted, it shall be a release and relinquishment of all right or claim to the State aid granted in their charters to said Americus and Hawkinsville Railroad Company, and to the said Americus and Florence Railroad Company.

Consent of said companies shall be a release of their right to State aid.

SEC. VIII. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLIII.—(O No. 212.)

An Act to incorporate the LaGrange and Barnesville Railroad Company, and to grant certain powers and privileges to the same, and for other purposes.

186. SECTION I. *The General Assembly of Georgia do enact*, That Jesse McLendon, F. A. Frost, S. W. Swanson, A. D. Abrahams, Jno. N. Cooper, Isaac Wise, George V. Boddie, B. B. Amoss, Thos. S. Bradfield, Thos. C. Miller, B. C. Ferrell, B. H. Bigham, J. H. Fannin, W. O. Tuggle, Wm. C. Jarboe, C. W. Mabry, J. E. Toole, H. R. Harris, M. Reeves, J. E. G. Ferrell, Jno. A. Simonton, James W. Banning, Obediah Warren, J. P. Atkinson, M. B. Lovett, J. Banning, James M. C. Robinson, Thos. C. Leslie, J. R. Broome, G. Kenner, John H. Mitchell, David Freeman, Wm. K. Murphy, A. Stafford and R. J. Powell, or such of them as shall associate and take stock under this Act, or such other persons as shall associate under the same, be, and they are hereby declared to be a body corporate and politic, under the name and style of the LaGrange and Barnesville Railroad Company, and as such shall be capable in law to purchase, accept, lease or hold, sell and convey real and personal estate, make contracts, sue and be sued in any Court of law or equity in this State having jurisdiction, to make by-laws, appoint all necessary agents, and prescribe their duties, and to do all lawful acts properly incident to and connected with the objects of said company, and necessary for its government, and transaction of its business, with all the rights and privileges common and necessary to such corporations, in and about building and controlling a railroad from LaGrange to Barnesville.

Corporat'ns

Name and general powers.

187. SEC. II. The capital stock of said company shall not exceed two millions of dollars, to be divided into shares of not exceeding one hundred dollars each, and the board of directors shall prescribe the mode and condition for stock in said company, and issue certificates for the same, but the corporators aforesaid shall have the privilege of opening books of subscription for the purpose of obtaining

Capital stock.

Organization—Installments, etc.

the necessary amount of stock to organize in such manner as they may deem best to commence the road.

Organiza-
tion.

188. SEC. III. For the full organization of said company, said incorporators or any three or more of them who may act in the event the others shall fail to co-operate with them after reasonable notice, shall appoint the time and place at which subscriptions for stock in said company may be made, and fix the day for the meeting of the stockholders at LaGrange, of which they shall give notice in the papers published in the city of LaGrange. This meeting, for the purpose of organization, may take place at any time thus appointed, after a sum exceeding fifty thousand dollars shall have been subscribed to the capital stock of said company. The stockholders shall then and

Directors.

there proceed to elect seven directors, who shall constitute the first board of directors for one year, or until their successors are elected, and all such elections shall take place annually, thereafter, at such time as the stockholders may determine. In all elections and meetings of the stockholders, each stockholder shall, either in person or by proxy, be entitled to as many votes as he may own shares in said company at the time of voting.

Installm'ts
and failure
to pay.

189. SEC. IV. Each subscriber to the stock of said company shall be liable for all installments falling due upon his or her subscription, and upon a failure of any stockholder to pay any installment within the time appointed for the payment of the same, he may be sued for such unpaid installment in any Court having jurisdiction; but neither the person nor the property of any stockholder shall be liable or bound for any debt or liability against the company.

President,
and vacan-
cies.

190. SEC. V. The board of directors shall choose one of their own number president of the board, whose term of office shall be the same as the board of directors, and all vacancies that may occur in said board may be filled from among the stockholders at any time by the acting directors.

May cross
other roads
etc.

191. SEC. VI. Said company is hereby authorized to cross railroads and other roads, and to take all such other measures that may be necessary in building said railroad. And they may receive subscriptions in lands or labor, or any other article or thing of value, as may be agreed upon between the parties.

Right of
way—pro-
ceedings
when dis-
puted.

192. SEC. VII. The board of directors shall have power to select and take, by purchase or donation, along the line, such strips of land as are necessary, not exceeding two hundred feet in width; and in all cases in which any difference may arise between individuals or corporations and said company or the directors, as to the right of way or damages to the land on which said road may be located, it shall and may be lawful for either party, after five days' notice in writing to the other party, to apply to the Sheriff of the county in which said land may lie, to summon a jury of five freeholders, who shall enter upon the land sought to be appropriated to the use of the company, and after hearing testimony and inspection, award the amount of damages in writing, if any, to be paid by said company,

Lookout Mountain Railroad Company.

either party having the right to appeal to the Superior Court of said county, under the same rules and regulations as now apply to appeals in said Court; and in all instances such freeholders so arbitrating, and the jurors in the Superior Court, in additional oaths, shall be sworn in assessing the damages, to take into consideration and account the prospective value of the road to the land and premises through which it may run, and they shall have evidence touching the same submitted to them, and on payment of such damages, the fee simple title to such lands shall vest in said company.

193. SEC. VIII. It shall be lawful for said company to build and control, under the provisions of this charter, one or more branches ^{May build branches.} of its road to Griffin or Fort Valley, or to such other place or places as said company may deem necessary: *Provided*, that said branch or branches shall not conflict with any chartered rights now existing.

194. SEC. IX. The company shall have perpetual succession of ^{Succession} members, and shall have full power to do all and every such corporate act as are permitted to other companies for similar purposes.

SEC. X. Repeals conflicting laws.

Approved December 15th, 1871.

No. CLIV.—(O No. 63.)

An Act to amend an Act entitled an Act to incorporate the Lookout Mountain Railroad Company, and to extend the aid of the State to the same, and for other purposes.

195. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the first section of the above recited Act be, and the same is hereby amended, by inserting therein the names of Thomas E. Patton, Spencer March, John Y. Wood, Andrew P. Allgood, C. C. Cleghorn, J. F. Morton, N. B. Hall, Abner Echols and John T. Burns, as additional corporators of said railroad company. That the third section of said Act be, and the same is hereby amended, by striking out the word "six," and inserting in lieu thereof the word "one," and by striking out all between the words "aforesaid corporation," and the word directors, and inserting in lieu thereof the words "they shall proceed to give twenty (20) days' notice by publication in a public gazette of this State, to the stockholders of said company, to meet at a time and place designated in said notice, to organize the company by the election of seven," and by adding after the last words of said section the words "and to continue to do so until the election and qualification of their successors, as hereinafter provided."* ^{Additional corporators} ^{Amendments.}

196. SEC. II. That the fifth section of said Act be and the same is hereby amended, by inserting after the word "Kingston," "or ^{Further amendm'ts} Rome or both."

197. SEC. III. That the said railroad company, by its board of

Macon and Knoxville Railroad Company.

May unite with other railroads. directors, shall have power and authority to consolidate, by contract, their railroad and franchises with the Rome Railroad Company, or any other railroad company now chartered or hereafter chartered in this State.

Time and place for holding election for directors. 198. SEC. IV. That the board of directors of said company shall be chosen annually, by the stockholders, on the first Wednesday in May in each year; said meeting to be held at such place on or near the line of said railroad, as the president and directors may designate, of which twenty days' notice shall be given in some public gazette of this State, and if from any cause said meeting should not be held, it shall be the duty of the said president and directors to call a meeting as soon thereafter as practicable, and to give like notice of the time and place thereof.

SEC. V. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLV.—(O No. 74.)

An Act to incorporate the Macon and Knoxville Railroad Company, and for other purposes therein named.

Corporators 199. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, and it is hereby enacted by the authority of the same,* That Thomas Hardeman, Charles A. Nutting, James Jackson, Antony L. Maxwell, William A. Huff, Louis N. Whittle, James L. Maddox, Thomas J. Smith, Natt Glover, Geo. McKoy, John J. Floyd, David W. Spence, Enoch Steadman, Wm. W. Clark, James P. Simmons, Richard D. Winn, Bryant E. Strickland, Nathan L. Hutchins, Jr., Joshua N. Glenn, Hiram P. Bell, Harrison Summerhour, Henry C. Kellogg, W. D. Beutly, John Hockenul, Sr., Samuel Harbin and John Logan, or such as shall organize and take stock under this Act, are incorporated and made a body politic, with all the rights and privileges necessary and common to such incorporations, under the name and title of the Macon and Knoxville Railroad Company, for the purpose of building a railroad from Macon, Georgia, via the town of Covington, in Newton county, and Lawrenceville, in Gwinnett county, to such point on the northern boundary line of said State as shall be determined upon by said company, as the most practicable to connect with any railroad or railroads leading to the cities of Knoxville, Tennessee, or Cincinnati, Ohio,.

Name of company.

Location of road.

Organization.

200. SEC. II. That said corporators, or any ten of them, after giving fifteen days' notice in some public gazette, of this State, may organize and elect a board of directors, one of which shall be president.

201. SEC. III. That said company shall be, and are hereby auth-

Macon and Knoxville Railroad.

orized to charge such amount for freight and travel as is allowed by the Georgia Railroad charter, and to open books and procure sub-^{General powers.}scriptions for stock, at the rate of one hundred dollars per share, at such time and place as may be thought proper, to elect a president and directors, to borrow money, make contracts, hold real and personal estate to and for the use of said road; that they may have a common seal, sue and be sued, plead and be impleaded in any Court of law and equity in this State, and, by a board of directors, make all such rules and regulations, or by-laws, as are necessary and proper for the good of the corporation and effecting the objects for which it is granted: *Provided*, such rules and regulations be not repugnant to the Constitution and laws of this State and the United States.

202. SEC. IV. That the capital stock of said company shall be four millions of dollars, (\$4,000,000 00,) divided into shares of one^{Capital stock.} hundred dollars, but shall be liable to be increased from time to time, and in such sum or sums as may be deemed expedient, by the majority of the board of directors of said company for the time being: *Provided*, that the said capital stock shall not be so in-^{Proviso.}creased as to exceed, in the whole, the sum of seven millions of dollars, (\$7,000,000 00); and it is also enacted that the board of directors for the time being, shall be authorized to prescribe the terms and conditions of subscriptions for such capital stock as may from time to time be required.

203. SEC. V. That said company shall have power to hold in fee^{Additional powers.} simple to them and their successors, or to receive as donations any lands or tenements, or hereditaments that they may find necessary for the site on and along which to locate, run and establish said railroad; and also to purchase and hold any lands contiguous to or in the vicinity of said railroad that may be necessary in procuring materials for constructing and repairing said railroad, and such as may be necessary to the erecting of toll houses, store houses and all other buildings or accommodations that may be necessary and useful to said railroad or the business thereof, and also all rights of^{Right of way.} way on land, and all necessary privileges on water courses that may lie on or across the route of said road; and in all cases in which any controversy or difficulty may arise between individuals or corporations, and said company, or their directors, as to the right of way, or damages of the land on which the same may be located, or as the necessary privileges of water courses, it shall and may be lawful for either to apply to the sheriff of the county in which said land or water privileges may be located, who shall summons a jury of five free holders to enter upon the land sought to be appropriated to the use of said company, and to take said controversy into consideration, and award, in writing, the amount of damages, if any, to be paid by said company; either party having the right to appeal to the Superior Court of said county, under the same laws and regulations that apply to appeals in said Court; and in all instances such free holders, and the jurors in said Superior Court shall be

Incorporating the Macon and Chattahoochee Railroad, etc.

sworn, in addition to the usual oath in assessing damages, to take into account the prospective value of the road, land or property through which it may run, and to have evidence touching the same, and upon the payment of damages so assessed as aforesaid, the fee simple title to such lands and privileges as may be necessary for the location of said road, building depots and other purposes, shall vest in said company.

To receive
land in
payment
of subscrip-
tions.

204. SEC. VI. That the said company shall have power to receive land or other property, in payment or part payment of the subscription to its capital stock, at such valuation as may be agreed on, or may be assessed by the freeholders, under such rules and regulations as may be adopted by it, and to mortgage, lease, sell or otherwise dispose of said land, as shall be deemed advantageous to its interest.

May con-
solidate
with other
companies

205. SEC. VII. That said company shall have power and authority to unite or consolidate with any other company or corporation as may be deemed proper by a majority of their corporation.

SEC. VIII. Repeals conflicting laws.

Approved December 11th, 1871.

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No. CLVI.—(O No. 185.)

An Act to incorporate the Macon and Chattahoochee Railroad Company, and to confer upon the same certain rights, powers and privileges.

Corporat'rs

206. SECTION. I. *The General Assembly of the State of Georgia do enact*, That S. G. Bonn, W. A. Huff, Geo. B. Turpin, A. L. Maxwell, B. A. Wise, H. J. Lamar, C. H. Rogers, W. R. Singleton, B. C. Smith, J. H. Hertz, F. D. Tinsley, E. L. Strohecker, O. G. Sparks, L. W. Hunt, L. W. Rasdal, T. J. Simmons, Abner Oriu, L. Woodward, Jas. M. Simmons, John I. Hall, A. O. Bacon, Thos. S. Sparman, John C. Zora, Jos. Allen, A. J. Cheney, D. W. Womble, Isaac Cheney, John L. Mustian, W. C. Bray, Jas. H. Reader, John Murphey, Patillo, S. W. Harris, Clark and McClendon, and their associates and successors be, and they are hereby incorporated and made a body politic and corporate, under the name and style of The Macon and Chattahoochee Railroad Company, and by that name shall be capable of suing and being sued, of pleading and being impleaded, and of buying and selling, leasing and holding, possessing and enjoying real and personal property, necessary and proper for the purposes herein mentioned, having, using and altering a corporate seal; of making, ordaining and establishing such by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State, as may be convenient and necessary for carrying on the business authorized by this charter.

Name and
powers.

Macon and Chattahoochee Railroad.

207. SEC. II. That the principal office of said company shall be in the city of Macon, and said company shall have power and authority to survey, lay off and construct, equip, use and enjoy a railroad from Macon, in the county of Bibb, to West Point, in the county of Troupe, which shall be run through or within one mile of the town of Thomaston, in the county of Upson, and within one mile of the Chalybeate Springs, in the county of Meriwether; said company shall have power to cross or connect with any other railroads upon said route.

Principal office.

Location of road.

208. SEC. III. The capital stock of said company shall not exceed two millions, nor be less than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The board of directors shall prescribe the mode and condition of subscription for said stock in said company, and issue certificates for the same; but the corporators aforesaid shall have the privilege of opening books of subscription for the purpose of obtaining the necessary amount of stock, in such manner as they may deem best to commence the road.

Capital stock.

209. SEC. IV. In all cases in which any controversies or difficulties may arise between individuals or corporations and said company, as to the right of way or damages of the land on which said road may be located, it shall be lawful for either party to apply to the sheriff of the county in which said land lies, who shall summon a jury of five freeholders to enter upon said land, who shall give to each party due notice of the time of meeting, and take said controversy into consideration, and award in writing the amount of damages, if any, to be paid by said company, either party having the right to take an appeal, in writing, from said award to the Superior Court of said county, which said appeal, together with their award, it shall be the duty of said five freeholders to certify and transmit to the next term of said Superior Court. If no appeal is taken within twenty days' from the delivery of said award, the same shall be final between the parties.

Disputes as to right of way.

210. SEC. V. The said Macon and Chattahoochee Railroad Company shall have all the corporate rights and privileges which have been granted by the laws of this State to the Macon and Brunswick Railroad Company.

Corporate rights.

211. SEC. VI. Said Macon and Chattahoochee Railroad Company shall have the right to lease and work other railroads and their equipments, and to lease out their said road and its equipments to other railroad companies, and shall also have the power to build a branch road from said main line, to such other point on the Chattahoochee River, not more than ten miles from said town of West Point.

Power to lease, etc.

212. SEC. VII. This charter shall continue in force for the term of thirty years.

Duration of charter.

SEC. VIII. Repeals conflicting laws.

Approved December 14th, 1871.

Amendatory of Act incorporating Memphis Branch Railroad, etc.

No. CLVII.—(O No. 17.)

An Act to amend an Act approved October 10th, 1868, entitled an Act to incorporate the Memphis Branch Railroad Company, and to grant certain powers and privileges to the same, and for other purposes, and to legalize and make valid the organization of said company.

Capital
stock
\$500,000.

Comp'ny to
commence
business
when
\$100,000 is
subscribed

May con-
solidate
with Rome
R. R. Co. or
any other
in this
State or
Alabama.

213. SECTION I. *Be it enacted*, That the third section of said recited Act be and the same is hereby amended, so as to read as follows: That the capital stock of said company may be as much as five hundred thousand dollars, in shares of one hundred dollars each; but said railroad company may organize, elect their officers and commence their business and the construction of said railroad, whenever one hundred thousand dollars of *bona fide* stock is subscribed; and that the said railroad company be empowered to contract for the consolidation and to consolidate their stock with the Rome Railroad Company, or any other railroad company in this State, or the State of Alabama, or with connecting or continuous lines in this or any other State or States, upon such terms as may be agreed upon by the contracting parties.

Mode of
voting, etc.

214. SEC. II. That the fourth section of said recited Act be and the same is hereby amended so as to read as follows: That in the election of directors, and all other elections, and voting at stockholders' meetings, the stockholders or subscribers for stock shall be entitled to one vote for each share of stock, up to the amount of one hundred shares, and for one vote for each two shares of stock above the amount of one hundred and not more than two hundred shares, and to one vote for each five shares above the amount of two hundred shares and under three hundred shares, and to one vote for each ten shares of stock above the amount of three hundred shares: *Provided*, that no stockholder shall vote who has not paid the installments required.

Seven
directors to
be chosen
by stock-
holders,
who shall
elect a
president.

215. SEC. III. That section five of said recited Act be and the same is hereby amended, so as to read as follows: That the business of said railroad company shall be under the direction, management and control of seven directors, to be chosen by the stockholders of said railroad company, who shall elect a president from their own body, which said board of directors shall be elected on the first Monday in May, in each and every year, or at such other times as the by-laws of said company, made or hereafter made, may prescribe, or at such time as the directors may designate, and shall have power to appoint all officers and agents of said railroad company and fix the salaries thereof; and the said railroad company shall have the power, through the board of directors, or any agent appointed by them (the said board) for the purpose of borrowing money, making contracts and negotiating for loans, and to create liens or mortgages upon all the property of said railroad company, real, personal or mixed, of every kind and description, including the franchises of said railroad

Powers of
President.

Powers of
board of
directors.

Act of October 27, 1870, repealed.

company; and to take and receive, by gift, bequest, devise or purchase, such real estate as may be necessary and proper for the exercise of the powers granted in the said recited Act of incorporation.

216. SEC. IV. That the said board of directors shall have the power to make and call for installments upon the stock subscribed for, to be paid in such sums or per cent., and at such time and place as may be designated by the said board of directors; and in case of default or failure to pay such installments as required by said board of directors, the payment thereof may be enforced by suit in the name of said railroad company, in any Court having competent jurisdiction of the amount sued for, and the unpaid stock may be forfeited to the company under such rules and regulations as may be prescribed by the board of directors.

Directors may call for installments.

Directors to enforce payment of installments by suit.

Unpaid stock to be forfeited.

217. SEC. V. That the elections of a board of directors heretofore held be and the same are hereby declared to be valid and legal, and are hereby confirmed with all the acts of said board of directors, as well as the contracts heretofore made and entered into by said boards, and also the official acts done by them for said company which are also declared hereby to be valid and legal, and for the purpose of curing and healing any irregularity or error or omission on the organization of said company, election of directors or other officers, the acts, doings and proceedings of said company are hereby, in all things, confirmed, and declared to be valid, legal and binding.

Former election of directors declared valid and their contracts confirmed.

218. SEC. VI. The said Memphis Branch Railroad Company, acting by their board of directors, may borrow money by the issue of the bonds of the said company, of such amount or amounts, and of such denomination as the said board of directors may prescribe, with interest coupons annexed, payable semi-annually, in the city of New York, the principal of which bonds shall become due at such times as said board of directors may prescribe. And for securing the payment of said bonds, the said railroad company, by the said board of directors, may make and execute a mortgage to trustees, of the whole property of said railroad company, real, personal or mixed, of every kind and description whatsoever, including the franchises thereof, the right of way, the road bed, iron, engines, cars, depots and rolling stock, rights and credits, which said mortgage and bonds and coupons shall be valid and binding, when signed by the president of the board of directors and countersigned by the treasurer of said company.

Directors may issue bonds for loans.

Directors may secure bonds by mortgage.

SEC. VII. Repeals conflicting laws.

Approved December 4th, 1871.

No. CLVIII.—(O No. 167.)

An Act to repeal an Act entitled an Act to amend an Act assented to August 27th, 1870.

WHEREAS, An Act, assented to August 27th, 1870, did by said Preamble. Act change the seventh section of an Act incorporating the Newnan

Charter amended—Incorporating Rome and Raleigh Railway Company.

and Americus Railroad; and, whereas, said change was not desired by the corporators of said railroad company; and, whereas, said change destroys in a great manner the practical importance and utility of said railroad; therefore,

219. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passage of this Act, said Act assented to October 27th, 1870, be and the same is hereby repealed.

Repeals
repealing
Act of Oct.
27, 1870.

Approved December 13th, 1871.

No. CLIX.—(O No. 31.)

An Act to amend an Act entitled an Act to incorporate the "Newnan and Americus Railroad Company," and for other purposes, assented to August 27th, 1870.

220. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the Act entitled an Act to incorporate the Newnan and Americus Railroad Company, and for other purposes, assented to August 27th, 1870, be and the same is hereby so amended as to authorize and empower the president and board of directors of said Newnan and Americus Railroad Company, or the other corporate authorities of said road, to change the northern terminus of said railroad from Newnan, in Coweta county, to the city of Atlanta, or to any point on the line of the Atlanta and West Point Railroad, intermediate between said cities of Atlanta and Newnan.

Act
amended.

May
change
terminus.

221. SEC. II. That whenever said president and board of directors of the Newnan and Americus Railroad Company, or the other corporate authorities of the said company, shall have fixed and settled the northern terminus of the said railroad, under the first section of this Act, then the said board of directors and said company are hereby authorized and empowered to construct and equip their said road to said northern terminus selected, under and by virtue of all the rights, privileges, franchises given and bestowed in the Act of which this is amendatory, and in which Newnan is the northern terminus.

Authorized
to constr'ct
road to
northern
terminus.

SEC. III. Repeals conflicting laws.

Approved December 9th, 1871.

No. CLX.—(O No. 206.)

An Act to incorporate the Rome and Raleigh Railway Company, and for other purposes therewith connected.

222. SECTION I. *Be it enacted, etc.,* That from and after the passage of this Act, W. L. Johnson, A. R. Nesbit, D. D. Chandler, S.

Corporat'rs

Rome and Raleigh Railroad.

M. Peterson, O. M. Doyle, Dunlap Scott, Larkin Smith, T. W. Waddy, E. M. Johnson, M. W. Brown, and such other persons and corporators as may be associated with them, and their successors and assigns be, and they are hereby created a body politic and corporate, by the name and style of the Rome and Raleigh Railway Company, and in and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity, in this State or in the United States; may make by-laws and appoint all necessary officers, and prescribe their duties, and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned; may make contracts, have and use a common seal, and do other lawful acts properly incident to and connected with said incorporation, and necessary for the control and transaction of its business: *Provided*, that their by-laws be not repugnant to the laws and Constitution of this State or of the United States.

Name and general powers.

223. SEC. II. That for the organization of said company, said persons hereinbefore named, or a majority of them, shall have power to appoint the times and places at which subscriptions for stock in said company may be taken, and every person, corporation or body politic subscribing at any such places or at any time afterwards, under the direction of a majority of said corporators or directors hereinafter named, shall be stockholders in said company, and shall pay in the stock so subscribed for, at such times and in such amounts as the by-laws and regulations of said company may require; and said corporators or a majority of them shall, in a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which they shall give thirty days' notice, in such public newspapers in this State as they may deem necessary, at which time and place, or at any other time and place of which notice may be given, as aforesaid, said stockholders may proceed to an election of a president and six directors, who shall constitute the first board of directors, and said president and directors shall hold their office for one year or until their successors are elected, and may prescribe in their by-laws the time and manner of holding their subsequent annual elections of president and directors. And in all the cases the stockholders shall have a right to vote in person or by proxy, under power-of-attorney duly executed; the number of votes to which each stockholder shall be entitled shall be according to the number of shares which he, or she, or they may hold in his, her or their own right or interest, for three months prior to the day of such election, one vote for each share. The board of directors shall have power to fill all vacancies which may occur in the board. Five directors shall constitute a quorum for the transaction of business, of whom the president shall be one, except in cases of sickness or absence, when his place may be filled by one of the directors *pro tem.*, by a majority of the board present.

Organization.

First board of directors.

Quorum.

224. SEC. III. That the capital of said company shall be one

Rome and Raleigh Railroad.

Capital stock. million of dollars, which may be increased to an amount not exceeding the cost of construction of said road and its outfits, to be divided into shares of fifty dollars each, and said shares shall be transferable on the books of said company, as may be prescribed by said directors, and no stockholder indebted to said company shall transfer his, her or their stock, without the consent of the board of directors.

Powers and privileges. 225. SEC. IV. That said company shall have full power and authority to survey, lay out, and construct a railroad, from the city of Rome, in this State, to the boundary line of South Carolina, and the same to equip, and enjoy, with all the rights, privileges and immunities granted to the Central Railroad and Banking Company, and subject to the same liabilities imposed upon said company, as far as the same may be applicable, under the Act incorporating said Central Railroad and Banking Company, and the several Acts amendatory thereof, heretofore passed.

Right of way. 226. SEC. V. That all questions concerning the right of way, between said company and the owners of land through which said railroad may run, shall be tried and determined according to the provisions of the fourth section of an Act, approved September 7th, 1868, to amend an Act to incorporate the Georgia Air Line Railroad Company, and to confer thereon certain powers and privileges.

To receive subscrip'ns in real estate. 227. SEC. VI. That the said Rome and Raleigh Railway Company be, and is hereby authorized and empowered to receive subscriptions in real estate, and shall have power to hold and dispose of such property in any manner that may seem best for the interests of said company; and that the said Rome and Raleigh Railway Company may build one or more branches of its road to such point or points as said company may deem necessary.

May unite with other companies 228. SEC. VII. That the said Rome and Raleigh Railway Company be, and they are hereby authorized to consolidate, combine or unite with any other railroad company or companies, directly or indirectly, connecting therewith, (or to unite the management of said companies,) upon such terms, conditions and provisions as shall be agreed upon, by and between such companies so consolidating, or uniting, and thereupon such consolidated or united companies shall be invested, in this State, with all the rights and privileges conferred, and be subject to all the restrictions imposed by this charter on the Rome and Raleigh Railway Company, and the amendments thereto, with the right to adopt such other, or modified corporate name, and to increase or diminish the number of directors now provided for, as shall be determined best, and agreed upon by such companies.

Towns and cities may subscribe to stock. 229. SEC. VIII. That it shall be lawful for any corporate town or city in this State, interested in the construction of said railroad, or any branch thereof, authorized as aforesaid, to subscribe to the capital stock of said company, or of any company with which it may be consolidated or united, as aforesaid, such sum, and to be payable in such manner as the people or proper authorities of such

To incorporate the Savannah and Thunderbolt Railroad Company.

town or city shall deem best, determine and authorize by an election held in said town or city, as provided by the Constitution; and said company is hereby further authorized to receive subscriptions in lands or labor, as may be agreed upon by said company, and such subscribers; and for the purpose of facilitating the early and economical construction and equipment of its road, and works for use, may receive by grant, purchase, lease, or otherwise, any estate whatsoever, and the same hold, use, sell, convey and dispose of, as the interests of said company may require.

SEC. IX. Repeals conflicting laws.

Approved December 15th, 1871.

No. CLXI.—(O No. 57.)

An Act to incorporate the Savannah and Thunderbolt Railroad Company, and for the purpose of opening a railroad communication from the City of Savannah to the Town of Thunderbolt, and for other purposes.

230. SECTION I. *Be it enacted by the General Assembly of Georgia,* That Benjamin B. Ferrill, Julian Hartridge, John W. Anderson, Ingersoll Washburn, Charles J. Miller and J. T. McFarland, of the city of Savannah, and such other individuals as the above named persons shall associate with them, and their assigns, shall hereafter be a body corporate, by the name and style of the Savannah and Thunderbolt Railroad Company, and by said corporate name shall be capable in law to buy, hold and sell real estate and personal property, make contracts, sue and be sued, to make by-laws, and to do all lawful acts incident to a corporation and necessary and proper for the transaction of the business for which it is incorporated, and to have and use a common seal, and the same to alter and destroy at pleasure. Names of corporat'rs
Name and general powers.

231. SEC. II. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, but with the privilege of increasing said capital stock to two hundred thousand dollars, whenever it may be deemed expedient by a majority of the board of directors of said corporation for the time being. Capital stock.

232. SEC. III. That said corporation be and it is hereby authorized and empowered to make, construct and maintain a railroad for the transportation of produce, merchandise and passengers, of suitable width and dimensions, in the most convenient and practicable course from a point within the corporate limits of Savannah to Thunderbolt, paying to the owners of land through which the main line of railroad may pass, a just indemnity to be ascertained, as hereinafter prescribed, for the value of the land covered by the railway, and for twelve feet on each side of the same for the procurement therefrom of timber, earth and other materials; and whenever any person may Further powers.

Savannah and Thunderbolt Railroad.

own land on both sides of the railroad, the company shall be bound to construct and maintain such crossings as may be required by said owners, but no person shall be at liberty to cross said railroad, except by such roads, without the express permission of the company.

Provisions
as to right
of way.

233. SEC. IV. When any person shall feel aggrieved or injured by the said railroad being carried through his lands, or when the said company cannot agree with any person through or on whose land the said railroad shall be constructed, as to the damage sustained, the amount of such damage or injury shall be ascertained and determined by the written award of three sworn appraisers to be chosen, one by the company, one by the owner, if he shall think proper, and one by the Judge of the Court of Ordinary; but if such owner shall decline to appoint an appraiser, then by two appraisers appointed by the Judge aforesaid and one by the company, the award of the appraisers appointed as aforesaid to operate as a judgment for the amount against the company, and shall be recorded in the Superior Court (of the county) of Chatham, at the ensuing term of said Court, and be enforced by execution from said Court, with the right of appeal, to either party, to be tried at the next term thereafter by a special jury, and the decision shall vest in the company the fee simple of the land in question, and in the other party a judgment for its value thus ascertained, to be enforced by the ordinary process of said Court.

To build
bridge at
intersect'n
of public
road.

234. SEC. V. Whenever the said railroad shall intersect any public road, the company shall be bound to construct a safe and substantial bridge or crossway over or across said public road, to be afterwards maintained by the said company.

Company
to have
exclusive
right of
said
railroad.

235. SEC. VI. The said company shall be entitled to operate said railroad by steam or horse power, and shall have the exclusive use of the same for their cars or other conveyances, and if said company shall permit or suffer others to use the same, it shall be entitled to and empowered to receive and collect such toll for the use of the same as may be fixed by said company.

Trespass
on road—
how pun-
ished.

236. SEC. VII. Any person injuring the property of said company, or who shall throw earth, stones, trees, rubbish, logs or any other matter or thing whatsoever, upon said railroad, or its branches, shall be punished by indictment as for a misdemeanor, and on conviction, may be fined and imprisoned at the discretion of the Court, and shall also be liable for such damages as may be occasioned thereby, to be recovered by action, at the suit of said company, or any person aggrieved, in any Court having jurisdiction.

So soon as
\$10,000 is
subscribed
company to
organize.

237. SEC. VIII. The said corporation, as soon as ten thousand dollars shall be paid in, shall organize a board of directors, who shall elect, at their first meeting after such organization, one of their members as president, who shall receive such compensation as the said board of directors shall determine. The term of office of the president and board of directors as aforesaid, and the manner and form of all subsequent selection of directors, (and the number of said directors,) and the number of votes to which stockholders shall be enti-

Savannah and Thunderbolt Railroad.

tled, shall be fixed and established by the by-laws, rules and regulations of said corporation, to be framed by them as provided in the first section of this Act.

238. SEC. IX. The board of directors may call for further installments on each share whenever necessary for the interest of said company, not to exceed one hundred dollars in all on each share, giving at least sixty days' notice, in the public gazettes of the city of Savannah, of such call, and any and all stockholders failing to pay such installments, so called for, for thirty days after the time designated by such call, shall forever forfeit his stock in the said company, and all payments which he may have heretofore made, and the stock so forfeited shall vest in and become the property of said company, to be disposed of as the board of directors thereof shall determine.

Board may call for installments.

Failure to pay installments.

239. SEC. X. Certificates of stock shall be issued to the stockholders on the payment of the sum required at the time of subscription, which shall be transferred on the books of the company only, and by personal entry of the stockholders or his legal attorney or representative only, authorized for that purpose.

Certificates of stock to be issued.

How transferred.

240. SEC. XI. The said company shall have full power and authority to carry such railroad over and across all or any rivers, creeks or water courses, that may be in the route thereof, by any suitable bridges or proper means: *Provided*, that when such railroad shall cross any navigable stream or water course, the same shall not be so constructed as to impede the navigation thereof.

Company may bridge rivers, etc.

241. SEC. XII. That the said corporation shall have the exclusive privilege to construct, keep and build the railroad during the term of twenty years, the time to be computed from the passage of this Act, and after the expiration of said term of twenty years, the General Assembly may authorize the construction of other railroads between the points aforesaid: *Provided, nevertheless*, the said "Savannah and Thunderbolt Railroad Company" shall, after the lapse of said twenty years, be and remain incorporate and vested as to their own works, with all the estate, rights, powers and privileges by this Act granted and secured, except the exclusive right aforesaid; but the General Assembly may renew and extend that exclusive right upon such terms as may be prescribed by law, and be accepted by said incorporated company.

Duration of charter, with exclusive right.

242. SEC. XIII. That the said corporation shall have the privilege of extending their railroad to Beulah and Montgomery, in the county of Chatham, with the same privilege and powers granted for the building of the main road from Savannah to Thunderbolt.

Road may be extended.

243. SEC. XIV. That the point within the corporate limits of Savannah from which said railroad shall be constructed, shall be the junction of Bay and Abercorn streets; and the said corporation is hereby empowered to lay a track through the length of said Abercorn street, and also through Gwinette street, east from Abercorn, and run cars drawn by animal power to some point within or outside the limits of the city of Savannah, upon the same terms and condi-

Initial point of road.

Track may be laid through certain streets.

Augusta Canal, etc.

Proviso.

tions as are prescribed for the Savannah, Skidaway and Seaboard Railroad Company, in an Act entitled "an Act to grant to the Savannah, Skidaway and Seaboard Railroad Company the right to construct a railway along the streets of Savannah on the terms therein mentioned," approved —: *Provided*, that the said company shall, at its own expense, put down new pumps at such points as may be indicated by the City Council, in place of those which the laying of such track may make it necessary to remove. *And further*, that said company shall repair and keep in repair, according to the proper grade to be fixed by the city surveyor, fifteen feet each way from the centre of said track, of the material and in the manner to be indicated by the City Council, and shall so guard such track, if Council so direct, as to prevent injury to persons using or passing through the squares through which Abercorn street runs, or may hereafter run, and as the City Council may direct (and prescribe.)

SEC. XV. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLXII.—(O No. 87.)

An Act to amend an Act "to incorporate the proprietors of the Augusta Canal, and to confirm certain ordinances of the City Council, therein mentioned, and to punish those who may injure their property, approved December 27th, 1845;" and to extend the provisions of said Act, and to confirm a certain resolution of the City Council of Augusta relating to said canal.

Section V.
amended.

In case disagreement
with owner
of land
through
which it
may pass.

244. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That the fifth section of the above recited Act be so amended as to read as follows, to-wit: In case the line of the Augusta Canal, or any branch thereof, or the race ways, waste weirs and waste gates, tow paths, embankments, berme banks, or back water from said canal, or branches thereof, or from streams obstructed by the contraction or enlargement of said canal, or branches thereof, shall pass through or overflow the lands of any person or persons, with whom said Augusta Canal Company, or the persons, or corporate body exercising the corporate powers and enjoying the privileges of said company, or the successors of said company for the time being, cannot make a satisfactory agreement as to the terms upon which the said canal or branches thereof may be extended through, or such back water be permitted to flow over such lands, the said Augusta Canal Company, or the persons or corporate body exercising the corporate powers and enjoying the privileges of said company, or the successors of said company for the time being, shall, nevertheless, have the right to establish, open, construct and

Augusta Canal.

enlarge said canal, branches thereof, race ways, waste weirs, embankments, berme banks and tow paths through, and to overflow said lands, and the damages, if any, sustained by the proprietor or proprietors of such lands by the reason of the construction or enlargement of such canal, or branches thereof, race ways, waste weirs, embankments, berme banks or tow paths, or by reason of the overflow of back water from said canal, or branches thereof, or from streams obstructed by the construction or enlargement of said canal, branches thereof, race ways, waste weirs, embankments, berme banks or tow paths, or any other structure connected with said canal or branches thereof, shall be ascertained and assessed by five appraisers, of whom two shall be nominated by such land owner or land owners, two by the Augusta Canal Company, or the persons or corporate body exercising the corporate powers or enjoying the privileges of said company, or the successors of said company for the time being, and the fifth by the four, whose awards, or that of a majority of them, certified in writing, under their hands and seals, in duplicate, one for each of the parties in interest, shall be recorded in the office of the Clerk of the Superior Court of the county in which said lands are situated; and it shall be the duty of such land owner or land owners, on notice served personally on him, her or them, or on his, her or their attorney in fact, within ten days after the service of such notice, to name two appraisers, to co-operate with two appraisers nominated by the opposite parties for the purposes aforesaid, and upon the failure of such land owner or land owners so to nominate in accordance with said notice, the said Augusta Canal Company, or the persons or corporate body exercising the powers or enjoying the privileges of said company, or the successors of said company for the time being, may proceed at once with the contemplated work: *Provided*, that such land owner or land owners may, *Provided*, at any time thereafter, upon a similar notice to the opposite party, have appraisers appointed in the manner and for the purposes aforesaid. The appraisers appointed for the purposes aforesaid shall, in all cases, in making up their award, consider the benefits from the construction of said canal, or branches thereof, accruing to any lands of such land owner or land owners; whether the land, in reference to which damages are claimed, or other lands through or over which said canal, or branches thereof, is or are constructed, and shall set off such benefits against such damages; in no event, however, giving an award against such land owner or land owners for the excess of benefits over damages. The award of such appraisers, if not appealed from, as hereinafter provided, shall operate as, and have the force and effect of a judgment, vesting in said canal company and its successors the right of way over and through, and the right to overflow said lands, upon which award so recorded and not appealed from, if any sum is awarded as damages to such land owner or land owners, the said clerk shall, after the expiration of thirty days from the time of record thereof, issue executions for the

Appraisers
award to
have the
force of a
judgment.

Augusta Canal.

Dissatisfied
party may
appeal to
Superior
Court.

Proviso.

Appraisers
to take
oath.

May widen
canal and
construct
branch
canals,
dams, etc.

Company
to allow
water to be
taken for
machinery.

same, in the usual form of executions, founded upon the judgment of the Court, returnable to the next Superior Court of said county, which execution may be levied upon any property of the Augusta Canal Company or its successors. But in case either of the parties should be dissatisfied with the decision or award of said appraisers, such dissatisfied party or parties may, within ten days after the recording of the same, exercise his or her or their right of appeal by making known his, her or their intention by a written notice, served upon the opposite party and upon the said clerk, whose duty it shall be thereupon to suspend the issue of execution and to make an entry of such appeal on the appeal docket of his Court, to be tried by special jury at the next term, which trial shall be final, vesting in said company and its successors said right of way and of overflow, and in case of damages, entitling the person for whom they are found to judgment and execution therefor: *Provided, always,* that the pendency of such appeal shall not suspend work on said canal, or branches thereof, but such work shall proceed on said Augusta Canal Company, or the persons or corporate body exercising the corporate powers or enjoying the privileges of said company, or the successors of said company, tendering to such land owner or land owners good and sufficient security in double the amount of the award, or if no damages have been awarded in such sum as the Judge of the Superior Court of Richmond county shall order for the payment of the judgment, which may be rendered on appeal; and, *provided further,* that the appraisers, before entering upon the discharge of their duties as such, shall severally take and subscribe an oath before a judicial officer of this State, well and truly and impartially to determine and award in the premises.

245. SEC. II. That the Augusta Canal Company, or the persons or corporate body exercising the corporate powers, or enjoying the privileges of said company, and the successors of said company, are hereby authorized and empowered to enlarge the said Augusta canal, anywhere along the line of said canal, by widening and deepening the same, making basins and reservoirs or otherwise; also to construct a branch canal or canals leading from said canal to the Savannah River, or from said Savannah River to said canal, or from any part of said canal to any other part thereof; and to construct any dams, aqueducts, tow paths, waste weirs, races, weirs or other structures, to improve or make available said canal and branch canal or canals, for manufacturing purposes.

246. SEC. III. That said Augusta Canal Company, or the persons or corporate body exercising the corporate powers or enjoying the privileges of said company, and the successors of said company, are hereby authorized to allow water to be drawn from said canal and branch canal or canals, for the purpose of propelling machinery at any points along the lines of the same, whether above or below west boundary street in the city of Augusta.

247. SEC. IV. That whenever in the enlargement of said canal,

Evergreen Cemetery Company of Bonaventure.

or the construction of said branch canal or canals, it shall become necessary to change the line of any public road, the said Augusta Canal Company, or the persons or corporate body exercising the corporate powers, or enjoying the privileges of the Augusta Canal Company, or the successors of said company for the time being, shall apply to the Ordinary of the county in which such change is to be made, whose duty it shall be to proceed to make such change in the manner provided by law: *Provided, always*, that all the expenses incurred and all the damages allowed to land owners in making such change, shall be met by the said Augusta Canal Company, or the persons or corporate body exercising the corporate powers or enjoying the privileges of said company: *and provided further*, that such change shall not be made in such a manner as to render travel by such road less convenient to the public. That a resolution of the City Council of Augusta, passed on the 21st day of August, 1871, submitting the question of enlargement of the Augusta canal to the legal voters of the city of Augusta, by virtue of which an election was held on the 4th day of October, 1871, at which election a large majority of said voters voted for enlargement be, and the same is hereby confirmed and declared to be of full force.

Ordinary
may change
public road
on applica-
tion of Co.

Proviso.

Resolution
of Council
confirmed.

SEC. V. Repeals conflicting laws.

Approved December 12th, 1871.

No. CLXIII.—(O No. 183.)

An Act to amend an Act passed by the Legislature of Georgia, December 27th, 1847, incorporating the Evergreen Cemetery Company of Bonaventure.

WHEREAS, By the recital clause of said incorporating Act and the second section thereof, the powers of the said corporation to receive and hold real estate is limited to seventy acres, as appears by said legislative enactment; and, whereas, it has become apparent to the community of Savannah and the county of Chatham, that the present place of interment for their dead, by reason of its contracted limits, is not sufficient to answer its intended purpose of public interment; and, whereas, the said corporation, the Evergreen Cemetery Company of Bonaventure has now practically settled upon and began to exercise the franchises conferred upon it by said Act; now, therefore,

Preamble.

248. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That the second section of the Act of December 27th, 1847, incorporating the Evergreen Cemetery Company of Bonaventure be, and the same is hereby amended and altered, so as to authorize the said the Evergreen Cemetery Company of Bonaventure, to purchase and hold for

Authorized
to purchase
adjacent
lands.

Knights of Jericho, etc.—Habersham and Union Turnpike Company, etc.

the purposes declared in said original Act of incorporation, any and all lands to any extent whatsoever, which may be lying adjacent to the lands in said original Act specified.

249. SEC. II. That all such lands so hereafter to be acquired by said corporation, shall be by it held for the purposes of said original Act of incorporation, shall in full force apply to any lands hereafter so acquired by said corporation.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXIV.—(O No. 131.)

An Act to amend an Act entitled "an Act to incorporate the Grand Lodge Knights of Jericho, of the State of Georgia, and for other purposes therein named."

250. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That the words "faith, hope," in the preamble of said Act be stricken out, and the words "humanity, temperance," be substituted in place thereof.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXV.—(O No. 140.)

An Act to amend an Act entitled an Act to incorporate the Habersham and Union Turnpike Company and grant certain privileges to the same, and for other purposes herein mentioned, and to change the name of the same.

251. SECTION I. *Be it enacted,* That the above recited amendatory Act be amended by striking out 25 before the words "mile post," in said first section, and inserting in its place the figures "27."

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

NOTE.—The Act to which the above has reference, was approved September 16th, 1870, and provides that the road shall end at the "25 mile post on the west side of the Blue Ridge."

To amend Act incorporating Savannah Medical College.

No. CLXVI.—(O No. 48.)

An Act to amend an Act assented to the thirty-first day of December, eighteen hundred and thirty-eight, entitled "an Act to establish and incorporate a Medical College in the City of Savannah," and to explain an Act assented to the twenty-first day of December, eighteen hundred and fifty-seven, entitled an Act to extend aid to the Savannah Medical College.

WHEREAS, It has been represented to this General Assembly that the usefulness of the Savannah Medical College may be extended by an increase of the number of trustees or corporators of said college, and other amendments of its charter; and, whereas, doubt may have been entertained in regard to any supposed claim of the State of Georgia, growing out of the application of fifteen thousand dollars under the Act assented to on the twenty-first day of December, eighteen hundred and fifty-seven, entitled an Act to extend aid to the Savannah Medical College, and the expenditure of the amount thereof: Now, for the purpose of amending said charter, and of removing any such doubt,

252. SECTION I. *The Senate and House of Representatives of the State of Georgia, in General Assembly met, do hereby enact,* That the charter of the said "The Savannah Medical College" be, and is hereby so amended as to authorize the board of trustees of said medical college to increase their number to twenty-five, to be selected from any part of the State; and that the board so increased shall always have the power to keep its membership up to that number: *Provided, always,* that nothing in this Act contained shall be construed to prevent said corporation from declaring and establishing what shall be a quorum of its body, or from making all such rules, regulations and by-laws as said body may deem expedient for its own government, and as may not be violative of the Constitution of this State or of the United States.

253. SEC. II. That a diploma from said medical college shall authorize the recipient thereof to practice medicine in any part of the State, and to sue for and collect his dues for medical services in any Court having jurisdiction or proof of the service, and on production of such diploma.

254. SEC. III. That no part of the Act of the twenty-first of December, eighteen hundred and fifty-seven, entitled "an Act to grant aid to the Savannah Medical College," shall be so construed as to give any claim, by or on behalf of the State of Georgia, on the said the Savannah Medical College, or any corporation thereof, or on any other person, natural or artificial, or any lien on any property of said corporation, or other person: *Provided, always,* nevertheless, that the third section of said Act of 21st December, 1857, in regard to the medical instruction of one student from each Congressional district, be and is hereby construed of force so long as

Preamble.

Charter amended.

Board of trustees increased in number.

Proviso.

Holders of diplomas may sue for services.

Construction of Act of Dec. 21, 1857.

Not to be construed to give lien on property of corporation.

 Bonds of the Scofield Rolling Mill Company.

said medical college shall be in operation and afford medical instruction.

255. SEC. IV. That this Act shall take effect from and immediately after its passage, and that all Acts and parts of Acts, so far as they militate with this Act, are hereby repealed.

Approved December 9th, 1871.

 No. CLXVII.—(O No. 23.)

An Act to authorize the payment of ten per cent. interest on one hundred bonds of one thousand dollars each by the Scofield Rolling Mill Company, and make legal and binding the contract for the payment thereof.

Company
may con-
tract to pay
10 per cent.
interest on
\$100,000 of
bonds.

256. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly convened,* That the Scofield Rolling Mill Company, in the city of Atlanta, Georgia, be and they are hereby authorized to make a contract for the payment of ten per cent. interest per annum, until redeemed, on one hundred one thousand dollar bonds, to be issued on the twelfth day of December instant, and that said contract be binding on said company, any law usage or custom to the contrary notwithstanding.

SEC. II. Repeals conflicting laws.

Approved December 7th, 1871.

TITLE III.

COUNTIES.

DIVISION I.—COUNTY BONDS
AND TAXES.

BANKS COUNTY.

SECTION.

1. Tax collector to receive jury certificates for taxes.

CHATHAM COUNTY.

2. Ordinary to levy tax to support Georgia Infirmary.
3. Tax already recommended.

CAMPBELL COUNTY.

4. Ordinary to issue bonds to build Court-house.

CHEROKEE COUNTY.

5. Ordinary to issue bonds to build Court-house.

COBB COUNTY.

6. Ordinary to issue bonds to build Court-house.
7. Denomination of bonds.

GWINNETT COUNTY.

8. Ordinary to issue bonds to build Court-house.

PULASKI COUNTY.

9. Ordinary to issue bonds to build Court-house.
10. Bonds, how executed.

RANDOLPH COUNTY.

11. Ordinary to issue bonds to build Court-house.
12. How issued.
13. Ordinary to sell old Court-house.
14. To rent stores on the first floor.
15. Act to be submitted to tax-payers.
16. Ordinary to advertise for proposals.

ROCKDALE COUNTY.

17. Ordinary to issue bonds to build Court-house.

CHATHAM COUNTY.

SECTION.

18. Ordinary to levy tax to pay late sheriff and clerk.

CLARKE COUNTY.

19. Ordinary to levy tax to pay debt of county.

WILCOX COUNTY.

20. Clerk's action legalized.
21. Authorized to levy tax.

DIVISION II.—COUNTY COMMISSIONERS.

BIBB AND HOUSTON.

22. Grand jurors to elect commissioners of roads.
23. Commissioners to lay off roads.
24. Contractors to give bonds.
25. Ordinary to bring suit for failure of contractor.
26. Privileges and penalties of contractors.
27. Contractors may use convict labor.
28. Ordinaries to levy taxes.
29. Citizens of Macon to do road duty.
30. Taxes, how collected.
31. Persons may work six days in lieu of capitation tax.
32. Collector to have a per cent. on taxes collected.
33. Commissioners' term of office.
34. Sessions of commissioners.

DAWSON COUNTY.

35. Commissioners to be elected.
36. Duties.
37. Exempt from jury duty.
38. Ordinary to convene board.

DECATUR COUNTY.

39. Powers of Ordinary vested in commissioners.
40. Composition of board.
41. Commissioners named.
42. Election provided for.
43. Meetings of board.

Fees and Costs.

SECTION.

- 44. Members to take oath.
- 45. May punish for contempt.
- 46. May appoint clerk.
- 47. Treasurer to respect Act.

FLOYD, BERRIEN, EFFINGHAM, SCHLEY,
SUMTER AND GREENE COUNTIES.

- 48. Commissioners to be elected.
- 49. Vacancies, how filled.
- 50. Quorum.
- 51. Jurisdiction.
- 52. Powers as to roads.
- 53. Sessions.
- 54. May elect clerk, his compensation.

GLYNN COUNTY.

- 55. Act amended; commissioners to be appointed.

HABERSHAM (AND LOWNDES) COUNTIES.

- 56. Commissioners for Habersham.
- 57. Members to take oath.
- 58. Meetings of board.
- 59. Clerk Superior Court, duty and pay.
- 60. Powers of board.
- 61. Grand jury may inspect books, Lowndes county included.

LIBERTY COUNTY.

- 62. Board of commissioners established.
- 63. Vacancies, how filled.
- 64. Qualification.
- 65. Quorum and jurisdiction.
- 66. Sessions, when held.

MERIWETHER COUNTY.

- 67. Five commissioners to be elected.
- 68. Powers; sessions and quorum.
- 69. Shall take oath.

PAULDING COUNTY.

- 70. Commissioners to be elected.
- 71. Functions.
- 72. Exempt from jury duty.
- 73. Ordinary may convene.

PIKE COUNTY.

- 74. Commissioners to audit claims of officers.

SCRIVEN COUNTY.

- 75. Board to consist of five commissioners.
- 76. First election, when held.

SECTION.

- 77. Returns, how made.
- 78. Commissioners to give bond and take oath.
- 79. Meetings of board.
- 80. Qualifications of commissioners.
- 81. Quorum.
- 82. Jurisdiction of commissioners.
- 83. To have powers of Justices of Inferior Court.
- 84. May elect clerk.
- 85. Clerk to give bond.
- 86. Duty of clerk.
- 87. Ordinary to surrender books.
- 88. Commissioners to keep records.

DIVISION III.—FEES AND COSTS.

BARTOW COUNTY.

- 89. Jurors to receive \$2 00 per diem.
- 90. Act authorizing payment of officers' costs repealed.

CHATHAM COUNTY.

- 92. Fees to be approved by Judge Superior Court; clerk's and sheriff's fees.
- 93. Coroner to hold inquest when requested; failure for non-compliance.
- 94. Persons dying in jail; coroner's fees.

- 95. Allowance for boat, etc.

CRAWFORD COUNTY.

- 96. Per diem pay of jurors.

DEKALB AND FULTON.

- 97. Per diem of jurors.
- 98. Certificates to be received for taxes.
- 99. Constable's fees.

MADISON COUNTY.

- 100. Tax collector and treasurer to receive jury certificates in payment of taxes.

NEWTON COUNTY.

- 101. Jurors to be paid \$2 00 per diem.

PAULDING COUNTY.

- 102. Per diem of jurors.

POLK COUNTY.

- 103. Jurors to be paid \$2 00 per diem.
- 104. Ordinary authorized to levy tax.

County Lines—Regulations.

RABUN AND TOWNS COUNTIES.

SECTION.

- 105. Compensation of jurors.
- 106. Clerks to issue certificates.
- 107. Persons exempt from jury duty.
- 108. Repealing previous laws.

RANDOLPH COUNTY.

- 109. Jurors' pay, \$2 00 per diem.

STEWART, WEBSTER, TROUP, TERRELL, SPALDING, GORDON, PAULDING, EARLY, MILLER, GREEN, MURRAY, QUITMAN, FAYETTE, CLAYTON, LUMPKIN, HEARD, COBB, CLARKE, CHATTAHOOCHEE, HENRY, TAYLOR, MACON, TELFAIR, THOMAS, DECATUR, HABERSHAM, MONROE, DOOLY, JASPER, HOUSTON, WORTH AND CLAY COUNTIES.

- 110. Jurors to be paid \$2 00 per diem.

UPSON COUNTY.

- 111. County officers to ascertain amount of insolvent costs; treasurer to pay with approval of grand jury.

WARE COUNTY.

- 112. Tax collector to receive county scrip for county taxes.

DIVISION IV.—COUNTY LINES.

- 113. Line between McIntosh and Liberty changed.

DIVISION V.—COUNTY REGULATIONS.

BANKS COUNTY.

- 114. Sheriff to give not more than \$5000 bond.

BRYAN COUNTY.

- 115. Local road laws repealed.
- 116. General law in force.

CHATHAM COUNTY.

- 117. County authorities given jurisdiction over certain roads.
- 118. Jurors' service limited.
- 119. Application of Act.

CHARLTON COUNTY.

- 120. Tax receiver and collector, offices consolidated.

SECTION.

- 121. When Act shall take effect.

CHEROKEE, TWIGGS AND FULTON COUNTIES.

- 122. Commissioner to revise jury boxes.
- 123. Jury box of Fulton county to be revised.

CLARKE COUNTY.

- 124. County site removed to Athens.
- 125. Town hall to be used as Court-house; old Court-house to be sold.
- 126. Ordinary to levy necessary tax.

DADE COUNTY.

- 127. Offices of tax receiver and collector consolidated.

FULTON COUNTY.

- 128. Provisions of 11th section of Act of February 22d, 1850, applied to Fulton county.
- 129. Provisions of 11th section of Act of February 22d, 1850, applied to Fulton county.

LUMPKIN COUNTY.

- 130. Width of roads fixed by commissioners.
- 131. Who may be appointed commissioners.

LAURENS COUNTY.

- 132. Deer not to be hunted in certain months.
- 133. Penalty on conviction.

LOWNDES, COFFEE, ECHOLS, CLINCH AND WARE COUNTIES.

- 134. Writs issued by Clerks of Superior Court to bear test in the name of Judges of other circuits.

MILLER COUNTY.

- 135. Sheriff's duty, in case of affidavit of illegality.

MONTGOMERY COUNTY.

- 136. No spirituous liquors to be sold in one mile of Montgomery Institute and church.

Tax Collector of Banks county to receive jury certificates.

UNION COUNTY.		SECTION.
SECTION.	187. Ordinary to provide for laying off roads.	140. Ordinary to appoint overseers.
	188. Road hands to work.	141. Complaints against defaulters.
	189. When to be laid off.	142. All road laws to remain in force.
		143. Limitation of Act.
		144. Penalty for not working.

DIVISION I.—BONDS AND TAXES.

No. CLXVIII.—(O No. 96.)

An Act to require the Tax Collector of Banks county to receive Jury Certificates for County Tax.

1. SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, it shall be the duty of the tax collector of Banks county, to receive jury certificates when properly authenticated, as far as they will go toward paying the county tax of the person holding the same, for all taxes due said county of Banks.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

No. CLXIX.—(O No. 153.)

An Act to assist the Georgia Infirmary.

2. SECTION I. *The General Assembly of Georgia do enact,* That the Ordinary of the county of Chatham be, and he is hereby authorized to levy and collect such tax, annually, as the grand jury of the county may, at the Spring Terms of the Superior Court recommend, for county appropriations to the trustees of the Georgia Infirmary, for the maintenance of the indigent sick colored persons of the said county. The amount of said tax not to exceed fifteen hundred dollars per annum.

3. SEC. II. That the said Ordinary be and he is hereby authorized to levy and collect a tax to meet an appropriation for the purposes aforesaid, recommended by the grand jury at the last Spring Term of the Superior Court of said county.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

Ordinaries of Campbell and Cherokee to issue bonds.

No. CLXX.—(O No. 180.)

An Act to authorize the Ordinary of the County of Campbell to issue bonds to raise money to pay for the building of a Court-house.

4. SECTION. I. *Be it enacted by the General Assembly of the State of Georgia,* That the Ordinary of the county of Campbell is hereby authorized and empowered to issue and negotiate county bonds to an amount not exceeding seven thousand dollars, the proceeds of which, when sold, shall be applied to the payment of the building of the Court-house at Fairburn, in said county, or so much thereof as may be necessary for said purposes; and if any overplus shall exist, such overplus to be used for such county purposes as said Ordinary may deem proper and just: *Provided, however,* that one-half of said bonds shall be issued for one year, and the other half for two years; and *provided further,* that such county tax shall be levied each year after the expiration of this year, as will pay off and extinguish said bonds and the interest thereon by the time they mature and fall due; and *provided further,* said bonds shall bear interest at the rate of seven per cent. per annum.

Ordinary
authorised
to issue
bonds.
Purpose.
Proviso.
Tax to be
levied.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXXI.—(O No. 211.)

An Act to authorize the Ordinary of Cherokee County to issue bonds of said County for the purpose of building a Court-house.

5. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the Ordinary of the county of Cherokee shall be authorized and empowered, at such time as he may deem best for the interest of said county, to issue for the purpose of building a Court-house therein, bonds for said county, not to exceed ten thousand dollars in the aggregate; said bonds may be for such sums, under ten thousand dollars, as to the Ordinary of said county may seem best for the interest of said county, and may be due and payable at such times, not to exceed ten years, as to said Ordinary may seem best for the people of said county; and said bonds shall bear such rate of interest, not to exceed eight per cent., as the said Ordinary may prescribe, and may be sold or negotiated in such manner as may be deemed best for the interest of said county; and when so issued and sold or negotiated, shall be a valid and binding debt upon said county.

Ordinary
to issue
bonds.
Purpose.
Amount.

SEC. II. Repeals conflicting laws.

Approved December 15th, 1871.

Ordinaries of Cobb and Gwinnett to issue bonds.

No. CLXXII.—(O No. 38.)

An Act to authorize the Ordinary of Cobb county to issue and negotiate bonds, and provide means for the redemption thereof by taxation, for the purpose of building and furnishing a Court-house in the City of Marietta, in said County of Cobb, and for other purposes.

<p>Ordinary authorised to issue bonds.</p> <p>Purpose.</p> <p>When payable.</p> <p>How signed and registered.</p> <p>Tax to be levied to pay prin- cipal and interest.</p> <p>Bonds, how issued.</p>	<p>6. SECTION I. <i>The General Assembly do hereby enact</i>, That the Ordinary of said county of Cobb be, and he is hereby authorized to issue and negotiate the bonds of said county of Cobb, to an amount not to exceed twenty thousand dollars, for the purpose of raising funds to build and furnish a Court-house in the city of Marietta, in said county of Cobb, said bonds to bear interest from their date at the rate of seven per cent. per annum, and payable annually at the office of the county treasurer of said county of Cobb; the first series of said bonds, to the amount of one thousand dollars, payable on the first day of January, 1873; two thousand dollars on the first day of January, 1874, and the like sum of two thousand dollars on the first day of January of each succeeding year, until the same are paid off; said bonds shall be signed by the Ordinary and his seal of office attached, and countersigned by the county treasurer of said county, and registered in the Ordinary's office in a book kept for that purpose; that there shall be hereafter an annual tax levied and collected, on the basis of taxation now or hereafter provided, and collected by the tax collector of said county and paid into the county treasury, subject to the order of the Ordinary, for the purpose aforesaid, an amount sufficient to pay the principal and interest of said bonds as they may fall due, until they are paid off; and that the Ordinary shall designate the per centage on the State tax which will be required for that purpose.</p> <p>7. SEC. III. That said bonds shall be issued in sums not less than one hundred nor more than one thousand dollars each.</p> <p>SEC. IV. Repeals conflicting laws.</p> <p>Approved December 9th, 1871.</p>
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No. CLXXIII.—(O No. 32.)

An Act to authorize the Ordinary of Gwinnett county to issue bonds for the purpose of raising money to build a Court-house.

8. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That the Ordinary of the county of Gwinnett, in said State, is hereby authorized

Ordinaries of Pulaski and Randolph to issue bonds.

and empowered, for the purpose of building a Court-house in said county, to issue and sell or negotiate bonds of said county to the amount of eight thousand dollars, (\$8,000), or such amount under that sum as he may deem proper and necessary, to be signed by said Ordinary and countersigned by the treasurer of said county, and to bear such rate of interest, not exceeding ten per cent., as said Ordinary may deem best: *Provided*, that none of said bonds shall run longer than five years, and shall be exempt from State, county and municipal tax, and the faith and credit of said county of Gwinett is hereby pledged for the payment of said bonds.

Ordinary to issue bonds to build Court house.

Bonds to run 5 years and be exempt from tax.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

No. CLXXIV.—(O No. 151.)

An Act to authorize the Ordinary of Pulaski county to issue bonds for the purpose of raising funds to build a Court-house in said county.

9. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, and is hereby enacted by authority of the same*, That from and after the passage of this Act, the Ordinary of Pulaski county is hereby authorized and empowered to issue and negotiate county bonds, to an amount not exceeding ten thousand dollars, the proceeds of which, when sold, shall be applied to the erection of a Court-house in said county: *Provided*, that said bonds shall not be issued for longer than twenty years, and shall bear interest not exceeding ten per cent., and that the faith and credit of the county is hereby pledged for the payment of said bonds.

Ordinary to issue bonds to the amount of \$10,000.

Purpose. Proviso.

10. SEC. II. That the bonds authorized by this Act shall be signed by the Ordinary of said county, in his official capacity, and countersigned by the treasurer.

How signed.

SEC. III. Repeals conflicting laws.

Approved December, 13th, 1871.

No. CLXXV.—(O No. 62.)

An Act to authorize the Ordinary of the County of Randolph to issue county bonds, in the sum of not more than \$20,000, for the building of a new Court-house, and for other purposes.

11. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, the Ordinary

Ordinary to sell old Court-house, etc.

Ordinary to issue bonds. Amount. of the county of Randolph is authorized to issue the bonds of said county in a sum not to exceed (\$20,000 00) twenty thousand dollars, for the purpose of building a new Court-house in said county.

How issued. 12. SEC. II. That said bonds shall be issued in the sum of (\$100 00) one hundred dollars each, and to bear interest at eight per cent. per annum, payable semi-annually at such place as may be designated by said Ordinary on the face of said bonds. That (\$2,000 00) two thousand dollars worth of said bonds shall fall due on the first day of January, 1874, and the same sum on the first day of January of each year thereafter, and that said Ordinary

Series—when due. is hereby authorized to levy and collect taxes in addition to the taxes now authorized by law, sufficient to meet the interest of said bonds as it may fall due, and to provide a fund for the redemption of said bonds when due.

Ordinary to sell old Court-house. 13. SEC. III. That said Ordinary be and is hereby authorized, after the erection of said new Court-house, to sell to the City Council of Cuthbert the site of the old Court-house, and to sell and dispose of the old Court-house to the highest bidder. That said Ordinary, together with five freeholders of said county, to be chosen by the grand jury of said county be, and are hereby constituted a board, for the purpose of purchasing a new site, and to superintend the building of said new Court-house.

Board constituted to purchase new site. 14. SEC. IV. That the Ordinary of said county, together with the board so appointed, shall have and are hereby given authority to negotiate with any other party or parties, for the building and owning of stores or offices on the first floor of said building: *Provided*, that such stores or offices shall not in any way interfere with the entrance to or control of the upper part of said building as the Court-house of said county.

Ordinary to contract for stores on first floor. 15. SEC. V. That the authority given to the Ordinary in the above recited Act, shall not be exercised by said officer until this Act shall be submitted to the tax-paying voters of said county for their ratification or rejection, at an election to be held for that sole purpose, on a day to be appointed, and twenty days' notice given by said Ordinary, said notice to state the manner of voting, etc.

Ordinary not to act until Act is submitted to tax-payers. 16. SEC. VI. That said Ordinary shall, after the ratification of this Act, as provided for in section (seven) five, advertise for thirty days for sealed proposals for the furnishing of material for and erection of said Court-house, which said proposals shall be opened and considered by him and the said board created in section (fifth) three of this Act, and they are hereby authorized to award the contract of said building to the lowest responsible bidder, said bidder giving bonds in twice the sum to be expended in the erection of said building, said bonds to accompany and be considered as part of said bid.

SEC. VII. Repeals conflicting laws.

Approved December 11th, 1871.

Ordinary of Rockdale to issue bonds—Payment of certain officers.

No. CLXXVI.—(O No. 78.)

An Act to authorize the Ordinary of Rockdale county to issue bonds and levy an extra tax, for the purpose of building a Court-house for said county.

17. SECTION I. *The General Assembly of the State of Georgia do enact*, That the Ordinary of Rockdale county be, and he is hereby authorized to levy an extra tax of five thousand dollars, and to issue five thousand dollars in bonds of said county, for the purpose of building a Court-house in said county. Ordinary may issue bonds to build Court house.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1872.

No. CLXXVII.—(O No. 33.)

An Act to provide for the levying and collecting a tax for the payment of bills for insolvent criminal costs, due Benjamin L. Cole, late Sheriff of Chatham county, and of William H. Bullock, late Clerk of the Superior Court of Chatham county.

WHEREAS, The fines and forfeitures set apart by law for the payment of insolvent criminal costs, have not been sufficient to liquidate the bills of Benjamin L. Cole, late Sheriff of Chatham county, and of William H. Bullock, late Clerk of the Superior Court of said county, which were allowed by the former presiding Judge of the Superior Court of said county, Preamble.

18. SECTION I. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same*, That it shall be the duty of the Ordinary of said county of Chatham, to levy and collect a tax sufficient to liquidate the bills of the said Benjamin L. Cole, late sheriff, and William H. Bullock, late Clerk of the Superior Court of Chatham county, allowed by the former presiding Judge of said Superior Court, for insolvent criminal costs: Ordinary to levy tax.
Provided, that the amount to be raised shall not exceed the sum of one thousand dollars for each of the persons named; Not to exceed \$1000. *and it is*
further provided, that the Ordinary shall not be required to levy the tax of more than fifty per cent. of the amount of said bills within the first year after the passage of this Act.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

To pay debt of Clarke—Legalizing action of Clerk as Ordinary of Wilcox.

No. CLXXVIII.—(O No. 49.)

An Act to provide for the payment of the debt of Clarke county.

Preamble. WHEREAS, In consequence of the very large indebtedness of Clarke county, the Ordinary of said county has not, by law, authority upon the recommendation of the grand jury of said county or otherwise, to raise by taxation annually such sum of money as is necessary to meet the annual current expenses of said county, and to pay such portion of the principal and interest of the debt thereof as the law requires annually to be paid; and, whereas, in pursuance of an Act of the last General Assembly of this State, a portion of said indebtedness has been converted into coupon bonds, falling due on the first day of July, 1881, with interest payable semi-annually, at the rate of seven per cent. in coin,

Ordinary
authorized
to levy tax
on recom-
mendation
of grand
jury.

Tax
sufficient
to meet
expenses
of county
and pay
off debt.

19. SECTION I. *Be it therefore enacted by the General Assembly of Georgia,* That the Ordinary of said county, upon the recommendation of the grand jury of said county, at the first Superior Court that may be held in said county, annually, for the next ten years be, and he is hereby authorized to levy and cause to be collected such a per cent. on the State tax of such county, for each of said years, (not exceeding three hundred per cent.,) as in his judgment will raise an amount sufficient to meet the current lawful expenses of said county for the year such laws shall be made, and to pay off and discharge such portion of the debt of said county as the law requires to be paid in said year.

SEC. II. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLXXIX.—(O No. 184.)

An Act to legalize the action of the Clerk of the Superior Court of Wilcox county, as Ordinary of said county, and to authorize said Clerk to levy a tax for county purposes for the year 1871.

Preamble. WHEREAS, A vacancy has existed in the office of Ordinary of Wilcox county since the 31st day of May, 1871; and, whereas, the duties of said office have been discharged by the Clerk of the Superior Court of said county since the date of said vacancy; and, whereas, the Code of Georgia only authorizes the Clerk of the Superior Court to discharge the duties of said office as clerk only; and, whereas, the Clerk of the Superior Court of said county has been compelled, for the protection of interests of intestate estates, and the preservation of the constitutional rights of petitioners of homesteads, to exercise the functions of said office, as the duly qualified

Ordinaries of Bibb and Houston to levy tax for road purposes.

Ordinary, for the protection of the rights of the citizens of said county.

20. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, that the acts of the Clerk of the Superior Court of said county of Wilcox, as acting Ordinary of said county be, and the same are hereby legalized: *Provided*, that the same would not be violative of the Proviso. Constitution and laws of the State had they been performed by a duly qualified and legally constituted Ordinary.

21. SEC. II. That until an election shall be held in said county Clerk authorised to levy tax. for Ordinary, that the Clerk of the Superior Court shall be authorized to levy a tax for county purposes, in the manner and form prescribed by law.

SEC. III. Repeals conflicting laws.

Approved December 14th, 1871.

DIVISION II.—COMMISSIONERS.

No. CLXXX.—(O No. 101.)

An Act to alter and amend the road laws of this State, so far as relates to the counties of Bibb and Houston, and to authorize and require the Ordinaries of said counties to levy and collect a tax for road purposes.

22. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the first grand Grand Juries to elect commissioners of roads. juries of the counties of Bibb and Houston, which shall be in session after the passage of this Act, to elect, by ballot, three commissioners of public roads, in each militia district in said counties, whose rights, powers, duties, liabilities and immunities, shall be the same in all respects, as are now prescribed by law, except so far as the same may be modified or allowed by the provisions of this Act.

23. SEC. II. That said commissioners shall be and they are hereby authorized and required, as soon after their appointment as practicable, to lay off the roads in said counties, in sections of three, five or more miles each, as they or a majority of them shall deem most appropriate, the working and keeping in repair of which, in accordance with the road laws of this State, for the term of one or more years, shall be let to the lowest bidder after due and proper public notice of the same, and it shall be the duty of said commissioners to make out specifications in writing, of the work to be done, which specifications shall be the basis of the contract. Commissioners to lay off roads and contract for working the same.

24. SEC. III. That the person or persons with whom said road

Tax for road purposes.

Contractor to give bond. contracts may be made, shall be required to give a bond with approved security, in a sum double the amount agreed to be paid to him or them under said contracts, which bonds shall be made payable to the Ordinaries of said counties, and conditioned for the faithful performance of their respective contracts, according to the terms thereof, and the sums for which said work is contracted to be done, shall be paid by the Ordinary only when work agreed upon has been faithfully done, according to the terms of their respective contracts, and the same has been certified by a majority of said commissioners.

Ordinary to bring suit for failure of contract. 25. SEC. IV. That whenever it shall be made to appear to the Ordinary, upon the report of the commissioners of any district, that the condition of the bonds required to be given in pursuance of the third section of this Act, have been violated or not complied with, it shall be his duty to have suit instituted forthwith thereon, against the principal and securities thereon, and the amount recovered shall be set apart and appropriated as a road fund.

Contractor to have privileges and be subject to penalties as overseers. 26. SEC. V. That the person or persons with whom such contracts may be made, shall enjoy all the rights, powers and privileges, and shall be subject to all the pains and penalties now prescribed by law in reference to overseers of public roads, except so far as the same may be effected by this Act.

May use convict labor. 27. SEC. VI. That in making the aforementioned contracts, the commissioners shall have power to pledge to said contractor or contractors, the labor of such convicts as may be sentenced by the Judge of the Superior Court of said counties to such labor for minor offences: *Provided*, that said contractor or contractors shall make such provisions for safe keeping and maintenance of the same, as shall be approved by said commissioners, under direction of the Ordinaries and sheriffs of said counties.

Ordinaries to levy capitation and other taxes. 28. SEC. VII. That the Ordinaries of said counties be and they are hereby authorized and required to levy a capitation tax, which shall be in commutation of work upon public roads in said counties, of three dollars upon each and every person subject to road duty by existing laws in said counties, the payment of which shall operate as an exemption from road duty for and during the year for which said tax may be levied, and shall also levy and collect a tax upon the taxable property of said counties, when recommended by the grand juries of said counties, not exceeding twenty-five per cent. on the amount of the State tax in said counties, and any person who may be subject to the payment of said tax shall be amenable in all respects to the road laws of this State if he or she fail or refuse to pay the same.

Citizens of Macon liable to road duty. 29. SEC. VIII. That all citizens of the city of Macon, as well as citizens of other portions of the county of Bibb, liable to road and street duty, shall be liable to the provisions of this Act, and nothing herein contained shall be construed to relieve any citizen of the city of Macon from liabilities to pay the street tax now authorized by the charter of said city.

Tax for road purposes.

30. SEC. IX. That it shall be the duty of the commissioners of the several districts of said counties to ascertain and report to the tax collectors of said counties the names of each and every person in their respective districts who may be subject to road duty, and give the same to the tax collectors; and it shall be the duty of the said tax collectors to collect the tax which may be levied in pursuance of this Act, at such times as the Ordinaries may direct, and shall report to the said Ordinaries the names of all persons who fail or refuse to pay said tax. Taxes, how collected.

31. SEC. X. That any person or persons subject to road duty, who shall prefer to work the road in person or by proxy, shall have the right to do so, and shall work six days in the year on the roads in his district, under the direction of the contractor for the same, whose receipt for such good labor shall be good against the capitation tax, and be charged as cash against said contractor, and any person failing or refusing to pay the commutation tax for road duty shall be subject to all the penalties already provided by law, and his wages be subject to garnishment by the tax collector, whose duty it shall be to proceed by execution or garnishment against all defaulters, by summary process, as at present provided by law. Persons who prefer shall work six days per annum. Penalty for failure to pay.

32. SEC. XI. That the tax collectors of said counties shall be entitled to the same per cent. upon the collection of said road taxes as is allowed by law for the collection of State taxes. Collectors entitled to per cent.

33. SEC. XII. That said commissioners shall hold their office for the term of four years, excepting those first elected, one-half of whom to be determined by lot on their first meeting, shall hold said office for the term of two years. Upon the expiration of the terms of said commissioners their successors shall be elected by the Grand Jury, which shall first, thereafter, be in session in said counties, and all vacancies, by death, resignation or otherwise, shall be filled for the unexpired terms in the same manner, and the result of all regular and special elections of said commissioners shall constitute a portion of the special presentments of said Grand Juries, and when any Grand Jury shall fail to discharge any duty herein specified, the next succeeding Grand Jury shall discharge said duty. Commissioners term of office.

34. SEC. XIII. That said commissioners shall meet at the capitals of their respective counties on the first Saturday in January, April, July and October of each year, for the transaction of business, and shall have power to adjourn from day to day; special meetings may be called by any three of the commissioners upon personal notice, in writing, to all the commissioners in the county at said time, or upon publication in a public gazette at the capitol of each county ten days before the date of meeting. When and where commissioners shall hold sessions.

SEC. XIV. Repeals conflicting laws.

Approved December 12, 1871.

Commissioners for Dawson and Decatur.

No. CLXXXI.—(O No. 178.)

An Act to create a Board of Commissioners of Roads and Revenue, for the county of Dawson.

Board of commissioners to be elected. 35. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passage of this Act, there shall be a board of commissioners of roads and revenue, to consist of three persons, to be elected at the same time that the Ordinary is elected, and hold their office for the same time as the Ordinary of the said county of Dawson.

Duties. 36. SEC. II. That the commissioners so elected, shall be the legal advisers of the Ordinary, in all matters relating to the levying of taxes for all county purposes—public roads, public bridges, and all county matters, generally; and a majority shall determine all questions.

Exempt from jury duty, etc. 37. SEC. III. The said commissioners so appointed shall be exempt from jury, road and military duties, for the time they serve, and shall not be entitled to any other compensation.

Ordinary to convene board. 38. SEC. IV. That the Ordinary of said county shall have power to convene said board at any time he may deem it necessary, by notice served on them, and, until the next regular election, the Ordinary may appoint three persons to constitute said board.

SEC. V. Repeals conflicting laws.

Approved December 13th, 1870.

No. CLXXXII.—(O No. 166.)

An Act to provide for a County Board of Commissioners for the county of Decatur, and to prescribe and define the powers and duties thereof.

Powers of Ordinary as to roads, etc., vested in commissioners. 39. SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, all the powers and duties of the Ordinary of Decatur county, so far as the same relates to roads, bridges, ferries, public buildings and other property, poor-house and farm, jail fees and the management of the jail, assessing and collecting tax, disbursing public money for county purposes, and all laws in reference thereto, are hereby conferred upon a county board of commissioners as hereinafter set out.

Composit'n of board. 40. SEC. II. That said board shall consist of the Ordinary of said county and four other persons, to be appointed and elected, and whose term of office shall be as hereinafter provided, and that any three of said board shall be capable and duly authorized to transact any business.

Commissioners named. 41. SEC. III. That S. S. Mann, S. H. Dickerson, F. L. Babbitt and D. B. Curry, with the Ordinary of said county, are hereby ap-

Commissioners for Floyd, Berrien, Effingham, Schley, Sumter and Green.

pointed a county board of commissioners for said county; that the term of office of said board shall be equal with that of said Ordinary, and that said board shall discharge all duties hereunder.

42. SEC. IV. That at all regular elections hereafter of an Ordinary of said county, four commissioners shall be elected, whose term of office shall be equal with that of the Ordinaries of said county, who, with said Ordinary, shall discharge all duties hereunder, and that in the event of the resignation, death, or any disability of either of said commissioners or persons who may be elected, the Governor, upon notice thereof from any two of said commissioners, shall order an election to fill the vacancy thus occasioned. Election provided for.

43. SEC. V. That the said board shall meet at the Court-house, in said county, on the first Monday in each and every month, or on such other day or days as it may determine; that it shall exercise all the powers and duties as herein set forth, and that it shall keep a full and complete record of all its acting and doings. Meetings of board.

44. SEC. VI. That said board may adjourn from day to day; that each member of said board shall, before undertaking to act hereunder, take an oath before the Clerk of the Superior Court of said county, which oath shall be recorded by said clerk, to faithfully and honestly discharge all duties hereunder; that each member of said board shall receive two dollars per day for each day actually served as such, and that the clerk of said board to be appointed as hereafter set forth, shall receive for all services the same compensation as Clerks of the Superior Courts of this State do for similar services. Members to take oath, etc. Compensation.

45. SEC. VII. That said board shall have the same right to punish any and every person for contempt as Judges of the Superior Courts of this State have. May punish for contempt.

46. SEC. VIII. That said board shall have the right and it is authorized to appoint a clerk who shall take the same oath and in the same manner as its members have, and whose term of office shall be equal with that of the board appointing him. May appoint Clerk.

47. SEC. IX. That the treasurer of said county shall fully respect this Act.

SEC. X. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXXXIII.—(O No. 107.)

An Act to create a Board of Commissioners of Roads and Revenue in the Counties of Floyd, Berrien, Effingham, Schley, Sumter and Green.

48. SECTION I. *Be it enacted, etc.,* That from and after the passage of this Act there shall be established in the counties of Floyd, Berrien, Effingham, Schley, Sumter and Green, in this State, a board of commissioners of roads and revenue, to consist of five persons, to be Commissioners to be elected—when.

- Term of office. elected by the voters of the county and commissioned by the Governor, the first election to be held on the first Saturday in January, 1872, said commissioners to hold their office until the regular election in November of said year, then at the regular election every fourth year thereafter, and vacancies to be filled by the remaining commissioners; said commissioners shall be exempt from militia, road and jury duty.
- Vacancies, how filled. 49. SEC. II. That the persons chosen to fill the vacancy are commissioned for the unexpired terms of the outgoing commissioners, and hold their offices accordingly. That no person is eligible as commissioner, under this Act, unless he has been a resident citizen in the county at least one year next preceding his qualification. Before entering on the duties of his office he shall take the oath of office required to be taken by the civil officers of this State.
- Qualifications. 50. SEC. III. That it shall require three of said commissioners to form a quorum for the transaction of business, and they must concur to pass any order or decree.
- Quorum. 51. SEC. IV. That said board shall have exclusive jurisdiction, when sitting for county purposes, over the following subject matters, to-wit: 1st. Governing and controlling all property of the county, as they may deem expedient, according to law. 2d. In levying a general tax for general, and a special tax for particular county purposes, according to the provisions of the Code and the laws of Georgia. 3d. In establishing, altering and abolishing all roads, bridges and ferries, in conformity to law. 4th. In establishing and changing election precincts and militia districts. 5th. In examining, settling and allowing all claims against the county. 6th. In examining and auditing the accounts of all officers having the care, management, keeping, collecting and disbursement of money belonging to the county, or appropriated for its use and benefit, and bringing them to a settlement. 7th. In making such rules and regulations for support of the poor of the county, for the promotion of the health, as is granted by law or not inconsistent therewith. 8th. In regulating peddling and fixing cost of license therefor.
- Jurisdiction. 52. SEC. V. That said board of commissioners shall have the same powers in appointing road commissioners and enforcing the road laws, as Justices of the Inferior Court had by the Code of this State prior to the ratification of the late State Constitution, and shall exercise such other powers as are granted by the Code of the State to said Justices, or as are indispensable to their jurisdiction, and shall have no jurisdiction save and except such as pertain to county matters.
- Powers as to roads. 53. SEC. VI. That they shall hold four regular sessions annually: *Provided, nevertheless,* a majority of said board may convene the same in extraordinary session, whenever in their judgment it may be necessary.
- Sessions. 54. SEC. VII. That said board may elect a clerk, whose duties shall be defined by said board, with such compensation to be paid
- May elect clerk.

Commissioners for Glynn and Habersham.

out of the county treasury, as they may see proper to give him ; said compensation, however, not to exceed thirty dollars per annum. Compensation \$30 per annum.

SEC. VIII. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXXXIV.—(O No. 14.)

An Act to amend an Act to create a Board of Commissioners of Roads and Revenues, in the county of Glynn, passed in the year 1870.

55. SECTION I. *Be it enacted by the General Assembly of Georgia,* That the first section of the aforesaid Act be so amended as to include the county of Baker, and that the board of commissioners for said county of Baker shall be appointed at the Spring Term of the Superior Court of said county, for the year 1872, and annually at each Spring Term thereafter. Act amended. Commissioners when appointed.

SEC. II. That the tenth section of said recited Act shall not apply to the county of Baker.

Approved December 4th, 1871.

No. CLXXXV.—(O No. 72.)

An Act to establish a Board of Commissioners of Roads and Revenues for the county of Habersham, (and Lowndes) to define their duties, and for other purposes therein named.

56. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That a board of commissioners of roads and revenues is hereby provided for the county of Habersham ; said board shall consist of three persons to be elected on the first Wednesday in January, 1872, and thereafter at the regular time of holding elections for county officers. They shall hold in every case until their successors are elected and qualified. The election and all things relating thereto, shall be in accordance with the provisions of section 1323 of the Revised Code. Commissioners

57. SEC. II. That each member of said board, before entering upon his duties, (besides the general oath required of county officers), shall be sworn before one other member of the board, all of whom are hereby empowered to administer said oaths, faithfully and truly to discharge the duties of a commissioner of roads and revenues of the county of Habersham ; the same shall be written down, subscribed and attested in a book of minutes to be kept as hereinafter provided. Members to take oath.

58. SEC. III. That said board shall hold regular sessions at the county site on the first Monday in the month of January, and in each alternate month thereafter. A special session of the first board Meetings of board.

Commissioners of roads and revenues for Habersham.

Quorum. to be chosen under this Act, may be held on the first Thursday in February next. Two shall constitute a quorum for the transaction of business at any session, and the votes of two shall decide any question.

Duty and pay of Clk Sup. Court. 59. SEC. IV. That the Clerk of the Superior Court shall attend the sessions of the board; shall keep a minute of all proceedings in a well bound book to be provided at the expense of the county, and shall receive the same compensation formerly allowed the Clerk of the Inferior Court for the like service. The commissioners receive no compensation, but shall be exempt from road and jury duty during their term of office; all proceedings returnable before the said board of commissioners shall be instituted and executed in the same manner, and the orders of the board shall have the same effect and force as now provided in case of the Ordinary when sitting for county purposes. It shall be the duty of the sheriff, when required, to attend the sittings of the board, for which service he shall be allowed two dollars and fifty cents per day.

Proceed'ng before the board.
Sheriff's duty.
Powers of board. 60. SEC. V. That besides the powers herein conferred, the said board of commissioners shall have the authority and jurisdiction defined in section 345 and section 346 of Irwin's Revised Code. They shall have authority to approve all official bonds, formerly required by law of the Justices of the Inferior Court, and sent them by the Governor with the *dedimus*; to qualify such officers and to deliver them their commissions; to appoint any person to discharge any trust authorized by their powers, when no other person is designated by law, and to regulate his compensation and to take bond and security; to exercise the same power in relation to providing guard for and hiring out criminals, that the Ordinary now has by law; to exercise such other powers as are granted by law or are indispensable to their jurisdiction; with this board, also, shall be filed all such Court contracts as are provided for by chapter 6, title 7, part 2, of Irwin's Revised Code, and the proceedings in reference to such contracts thereafter, shall be the same as though they had been filed as required by said provisions of the Code, and the board of commissioners shall have the same power in all respects as are thereby given to the County Court. The said commissioners shall also have the regulation of the payment of county officers for extra services rendered in the Court or otherwise.

Books subject to inspection by grand jury.
Board to be a corporation.
Other provisions. 61. SEC. VI. That the books of the board shall be inspected by the grand jury, who shall report thereon in their general presentments, at each term of the Superior Court. The said board, also, shall be a body corporate, and may sue and be sued, plead and be impleaded, in all matters falling within their jurisdiction, as herein defined. No judgment, order or decree of any Court shall have effect against the individual property of any member of said board, but only to constitute a charge against the county of which the commissioners are the representatives. The same remedy by *mandamus* or injunction allowed by section 537 of the Revised Code, shall lie against the

Commissioners for Liberty.

commissioners in the matter of any tax levied, or that should be levied, and may be enforced by attachment; no recommendation of a grand jury shall, in any case, be necessary to the levy of a tax. The provisions of this Act shall apply to and be of force in the county of Lowndes, except that the commissioners herein provided for shall not be exempt from taxation. Lowndes county included in Act.

SEC. VII. Repeals conflicting laws.

Approved December 11th, 1871.

No. CLXXXVI.—(O No. 173.)

An Act to create a Board of Commissioners for the County of Liberty, and to define their duties.

62. SECTION I. *Be it enacted by the General Assembly of Georgia,* That immediately after the passage of this Act there shall be established a board of commissioners for the county of Liberty, consisting of three members; the first board shall be appointed by the Ordinary and hold their office until the next election for county officers, when a second board shall be elected and commissioned by the Governor, and sworn in as other county officers, who shall hold their office for four years, unless removed according to law; the first board shall be sworn in without commissions. Board of commissioners to be established.

63. SEC. II. That all vacancies shall be filled by an election, to be ordered and held as in case of an election to fill a vacancy in the clerkship of the Superior Court, who shall be commissioned and hold his office for the unexpired term. Vacancies, how filled.

64. SEC. III. That no person shall be eligible for the office of commissioner until he has resided in the county for twelve months, and shall pay tax on property valued at not less than five hundred dollars. Qualification.

65. SEC. IV. That it shall take two of the said commissioners to form a quorum for the transaction of business, and when sitting for county purposes shall have exclusive jurisdiction over the following subject matters, to-wit: 1st. In holding and controlling all property belonging to the county. 2d. In levying general and special taxes for county purposes. 3d. In contracting for or letting out bridges and all other public works. 4th. In establishing, changing or abolishing election precincts and militia districts, and over all other county matters over which the Inferior Court had the jurisdiction at the time it was abolished. Quorum. Jurisdiction.

66. SEC. V. That they shall hold a session on the first Tuesday in each month and may convene an extraordinary session whenever it may, in their judgment, be necessary; they may also if necessary appoint a clerk, define his duties, and allow him a reasonable compensation for his services. Sessions—when held.

SEC. VI. Repeals conflicting laws.

Approved December 13th, 1871.

Commissioners for Meriwether and Paulding.

No. CLXXXVII.—(O No. 145.)

An Act to constitute a Board of Commissioners for the County of Meriwether, State of Georgia, and to prescribe their powers and duties.

67. SECTION I. *The General Assembly of the State of Georgia do enact*, That there shall be a board of commissioners for the county of Meriwether, State of Georgia, consisting of five resident citizens, to be elected by the resident citizens of the county, who are entitled to vote for members of the General Assembly. That the election shall take place on the second (2d) Monday in January next, or as soon thereafter as practicable, to be determined by the Sheriff, Ordinary and Clerk of the Superior Court of the county, and the commissioners elected shall hold their office for four years, and until their successors shall be elected and qualified.

68. SEC. II. That said board of commissioners and their successors in office, shall have the same power and exercise the same jurisdiction, as was formerly exercised by the Inferior Court when in session for county purposes, and shall sit at least twice annually, at such place or places in the county, as they may think proper, three constituting a quorum to do business, and shall have three (\$3 00) dollars a day each, while in session, the same to be paid to them out of the county treasury.

69. SEC. III. That each commissioner, before entering upon the discharge of his duties, shall take an oath well and faithfully to discharge his duties as such commissioner.

SEC. IV. Repeals conflicting laws.

Approved December 14th, 1871.

No. CLXXXVIII.—(O No. 108.)

An Act to create a Board of Commissioners of Roads and Revenues for the county of Paulding.

70. SECTION I. *Be it enacted*, That from and after the passage of this Act, there shall be a board of commissioners of roads and revenues, to consist of three persons, to be elected at the same time the Ordinary is elected, and to hold the office for the same time as the Ordinary of said county.

71. SEC. II. The commissioners so elected, shall be the legal advisers of the Ordinary in all matters relating to the levying of taxes for county purposes, public bridges, public roads, and all county matters generally, and a majority shall determine all questions.

72. SEC. III. That the said commissioners so elected, shall be exempt from jury, road and militia duty, for the time they serve, and shall not be entitled to any other compensation.

Commissioners of Pike to audit claims—Commissioners of Screven.

73. SEC. IV. That the Ordinary of said county shall have power to convene said body at any time he may deem it necessary, by notice served on them, and until the next regular election the Clerk of the Superior Court of said county shall appoint three persons to constitute such board. Ordinary may convene.

SEC. V. This Act to take effect immediately after its passage.

SEC. VI. Repeals conflicting laws.

Approved December 13th, 1871.

No. CLXXXIX.—(O. No. 11.)

An Act to authorize the County Commissioners of Pike county to audit claims of officers for extra services, and for other purposes.

74. SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, all claims against the county of Pike for extra services rendered by any county officer, shall be audited and allowed only by the county commissioners, while sitting for county purposes. Commissioners to audit claims of officers for extra services.

SEC. II. Repeals conflicting laws.

Approved December 2d, 1871.

No. CXC.—(O. No. 40.)

An Act for the election and creation of a Board of County Commissioners for the county of Screven, define their duties, and for other purposes.

75. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That there shall be established in the county of Screven a board of five county commissioners, who shall be elected annually, on the third Wednesday in January, and shall hold their office for one year and until their successors are elected and qualified. Board to consist of five commissioners. Term of office.

76. SEC. II. That the first election shall be held on the third Wednesday in January next, which said election shall be held at the various election precincts in the different militia districts of said county, and shall be conducted under the same rules, regulations and laws as was prescribed in Irwin's Revised Code, and of force prior to the 3d day of October, 1870, for members of the General Assembly, so far as the same is applicable to, and so far as the same is not inconsistent with the other provisions of this Act. First election, when held.

77. SEC. III. That the consolidated returns of all elections shall be forwarded to the Ordinary of said county within ten days after the day of election, who shall, without delay, issue a certificate of election to the five persons receiving the highest number of votes. Returns—how made.

Commissioners of Screven.

78. SEC. IV. That before entering upon the discharge of their duties, said commissioners shall each take and subscribe the usual oath required by law for all civil officers, and give sufficient bond and security in the sum of five hundred dollars for the faithful discharge of their duties as such commissioners.

79. SEC. V. That said commissioners shall hold their first meeting on the first Tuesday in February next, and regularly thereafter on the first Tuesday of each and every month, at the Court-house, or in some building at the county site: *Provided*, that the regular time of meeting may be changed to some other day of the month by order on their minutes, which order shall remain of force until again rescinded; and, *provided further*, said commissioners may hold special sessions at any time they may see proper, or may be called together by any one of said body.

80. SEC. VI. That no person shall hold the office of county commissioner who is not above the age of twenty-one years, nor unless he shall have resided one year in said county prior to the day of election. That all vacancies shall be filled by special election, ordered by the remaining commissioners or commissioner in office, who shall give notice thereof twenty days before said election, and if there is no commissioner, or he fails to give said notice of election, then and in that case it shall be the duty of the Ordinary to order said election.

81. SEC. VII. That any three of said commissioners shall be a quorum to transact business or exercise any power herein delegated, in which case a majority of said quorum shall decide any question.

82. SEC. VIII. That said commissioners shall have power to exercise exclusive and original jurisdiction over the following subject matter, to-wit: 1st. In directing and controlling all the property of the county, as they may deem expedient, according to law. 2d. In levying a general tax for general purposes, and a special tax for particular county purposes, according to the provisions of the law in such cases made and provided. 3d. In establishing and changing election precincts and militia districts. 4th. In examining and auditing the accounts of all officers having the care, management, keeping, collecting or disbursement of money belonging to the county or appropriated for its use and benefit, and in bringing them to a settlement. 5th. In examining, settling and allowing all claims against the county. 6th. In establishing, altering or abolishing all roads, bridges and ferries in conformity to law. 7th. In making such rules and regulations for the support of the poor of the county, and for the promotion of health, as are granted by law or are not inconsistent therewith. 8th. In regulating peddling and fixing the cost thereof, and in fixing the cost of the license for the sale of spirituous liquors.

83. SEC. IX. That said commissioners shall have the same powers in appointing road commissioners and enforcing the road laws as the Justice of the Inferior Court or the Inferior Court had by the Code of this State prior to the ratification of the present State Constitu-

Commissioners to give bond and take oath.

Meetings of commissioners.

Proviso.

Qualifications of commissioners.

Vacancies, how filled.

Quorum.

Jurisdiction of commissioners.

To have powers of Justices of Inferior Ct. in county matters.

Tax for road purposes.

tion, and shall exercise such other powers as are granted by the Code of the State to said Justices or said Court, or are indispensable to their jurisdiction, and shall have no jurisdiction save and except such as pertains to county matters.

84. SEC. X. That said board may elect a clerk, whose duties shall be defined by said board, with such compensation, to be paid out of the county treasury, as the grand jury may recommend, and on failure on the part of the grand jury, then and in that case said commissioners shall determine the amount of compensation and assess the same in the levy of county tax for that year; and said clerk shall have such further cost as was allowed to Clerks of the Inferior Courts performing similar services. ^{May elect Clerk.}

85. SEC. XI. That said clerk shall give the same bond and take the same oath as is prescribed for said commissioners: *Provided*, that the Clerk of the Superior Court, or his deputy may act as said clerk on failure of said commissioners to appoint without said bond or affidavit. ^{Clerk to give bond and take oath.}

86. SEC. XII. That it shall be the duty of said clerk to take charge of the minutes of said commissioners and all books or records appertaining to said Commissioners' Court, and keep the same in some secure room of the Court-house building as said commissioners may direct. That said commissioners shall have the same jurisdiction to the *exclusion* of the Ordinary, as is exercised by said Ordinary when sitting for county purposes, except as to homestead application, and except as a Court of Probate or Court of Ordinary, and except such other powers or duties exercised by said Ordinary prior to the adoption of the present Constitution as a Court or otherwise. ^{Duty of Clerk.}

87. SEC. XIII. That it shall be the duty of the Ordinary of said county to turn over to said commissioners all books and papers relating to the jurisdiction, and power herein conferred, and said Ordinary shall have no power to exercise any of the powers herein conferred upon said commissioners, except upon a failure on their part to act. ^{Jurisdiction of commissioners.}

88. SEC. XIV. That it shall be the duty of said commissioners to have all their proceedings while sitting as a Court, recorded, and it shall be their duty to keep a book in which to record their minutes, and a book for the docketing of all applications granted or refused, and it shall be their further duty to keep such other books as was used by other Courts in said county, exercising similar jurisdiction, and a seal to attest their proceedings, but all acts shall be valid until the same has been procured. ^{Ordinary to surrender books, etc.}

SEC. XV. Repeals conflicting laws.

Approved December 9th, 1871.

DIVISION III.—FEES AND COSTS.

No. CXCI.—(O No. 126.)

*An Act to increase pay of Jurors of Bartow county.*Jurors to
receive \$2
per diem.

89. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, grand and traverse jurors for the county of Bartow, shall each receive, for each days' service, the sum of two dollars, the same to be paid in the manner now prescribed by law.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXCII.—(O No. 139.)

An Act to repeal an Act entitled "an Act to authorize the payment of costs due the officers of Court of Bartow county, and to provide therefor," approved October the 27th, 1870.

Act of 1870
repealed.

90. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same,* That the Act entitled "an Act to authorize the payment of costs due the officers of Court of Bartow county, and to provide therefor," approved October the 27th, 1870, be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXCI.—(O No. 70.)

An act to amend the Acts in relation to the fees of the Clerk of the Superior Court of Chatham county, and fees of the Clerk of the City Court of Savannah, Georgia, and fees of the Sheriff of the county of Chatham and Sheriff of the City Court of Savannah, Georgia, heretofore unprovided for, and to point out the manner of collecting the same.

92. SECTION I. *Be it enacted by the General Assembly of Georgia,* That the following shall be the fees in all criminal cases, to be paid to the Clerk of the Superior Court and Sheriff of Chatham

Fees—Coroner of Chatham to hold inquest in certain cases, etc.

county, out of the county treasury, upon bills approved by the Judge of the Superior Court, and to the Clerk of the City Court of Savannah, Georgia, and Sheriff of the City Court of Savannah, Georgia, out of the city treasury, upon bills approved by the Judge of the City Court of Savannah, Georgia.

CLERK'S FEES.

For all bills of indictment, if settled by the parties or <i>nol. prosequi</i> , including all service	\$2 00	Clerk's fees.
Every bill of indictment, when the defendant is arraigned, tried and found guilty of a felony.....	3 00	
Less than a felony.....	2 00	
If acquitted.....	2 00	
Recording forfeiture of bond on minutes—original.....	1 00	
Each copy.....	50	
Every original subpoena.....	25	
Each copy.....	15	

SHERIFF'S FEES.

Serving subpoenas, each.....	50	Sheriff's fees.
All bills of indictment, if settled by parties or <i>nol. prosequi</i> ..	2 00	
Every conviction of a felony.....	3 00	
Every conviction of a misdemeanor	2 00	
An acquittal.....	2 00	

That the Sheriff of the City Court of Savannah, and his legal deputy, shall be entitled to the same per diem as is now allowed to the county sheriff and his deputy, and shall be paid as provided for in the first section of this Act.

SEC. II. Repeals conflicting laws.

Approved December 9th, 1871.

No. CXCIV.—(O No. 109.)

An Act to require the Coroner of Chatham county to hold inquest in certain cases, and, also, to allow certain fees unprovided for by law, and for other purposes.

93. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That all sudden deaths of any person or persons in the county of Chatham, without an attending physician, should any relative or friend request the coroner to hold an inquest on the body or bodies of any person or persons, it shall be his duty to do so, and upon failure to comply with said request he shall be indicted for a misdemeanor, and on conviction shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense.

Pay of jurors of Crawford, DeKalb and Fulton counties.

Persons
dying in
jail.Coroner's
fees.Allowance
for boat,
etc.

94. SEC. II. That every person who shall die in the jail, guard-house, police barracks, or any house or place of confinement, or when in the custody of any officer or person, it shall be the duty of the coroner to hold an inquest over the body or bodies of such person or persons. In all cases of homicide the coroner shall be allowed, in addition to the fees now established by law, for taking the testimony of each witness and committing it to writing, fifty cents; for issuing each warrant against the accused or witness, one dollar; for issuing subpoena and original, fifty cents; for issuing each commitment, one dollar; but in no case shall any fee be exacted from a witness.

95. SEC. III. That the coroner be allowed and paid the expenses of boat and hands in (in consequence of) conveying him and the jury where the body or bodies lie: *Provided*, said inquests are held on an island, which expense shall be paid out of the estate of the deceased, and if insolvent, out of the county fund.

SEC. IV. Repeals conflicting laws.

Approved December 13th, 1871.

No. CXCV.—(O No. 135.)

An Act to regulate and fix the pay of Grand and Traverse Jurors in the county of Crawford.

Per diem
pay of
jurors.

96. SECTION I. *The General Assembly do enact*, That from and after the passage of this Act, it shall and may be lawful for the grand and traverse jurors, for the county of Crawford, to receive each, for each day's service, the sum of two dollars, to be paid as now provided by law.

SEC. II. Repeals conflicting laws.

Approved December 13, 1871.

No. CXCVI.—(O No. 12.)

An Act to compensate Grand and Traverse Jurors of the Superior Courts of the counties of DeKalb and Fulton, and to authorize the Tax Collectors to receive jury certificates for county taxes, and to pay Constables for attending the Superior Courts of DeKalb and Fulton counties.

Jurors in
DeKalb
and Fulton
to receive
\$2 per day.

97. SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, grand and traverse jurors who may serve in the Superior Courts of DeKalb and Fulton counties shall be entitled to receive for each and every day they may serve as such jurors, two dollars: *Provided*, he shall produce the certificate of the Clerk of the Superior Court for the time

Tax Collector of Madison to receive jury certificates.

he has served, which certificate so signed, shall be a warrant for the sum allowed and a voucher to the county treasurer for paying the same.

98. SEC. II. That the Tax Collectors of DeKalb and Fulton counties are authorized and required to take and receive for county taxes, jury certificates as provided in section first of this Act, and also all legal jury certificates heretofore issued. To receive certificates for taxes.

99. SEC. III. That constables who may serve during the sessions of DeKalb and Fulton Superior Courts shall, for each day's service, receive two dollars, to be paid by the county treasurer, on the certificate of the sheriff. Constables to receive \$2 per day.

SEC. IV. Repeals conflicting laws.

Approved December 2d, 1871.

No. CXCVII.—(O No. 47.)

An Act to authorize the Tax Collector of Madison county to receive certain jury certificates for services as jurors, rendered in said county, in payment of all taxes due said county, and for other purposes.

100. SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by authority of the same,* That from and after the passage of this Act, the Tax Collector of Madison county be authorized and required to receive, when tendered, all jury certificates issued for services as jurors, rendered in said county, since 1st day of September, 1865, in payment of the county tax for said county: *Provided,* nothing herein shall be so construed as to require said tax collector to give any money in change for said certificates. When the jury certificates thus received by the tax collector shall have been paid over by him to the county treasurer, the former shall be held fully to have discharged his duty in the collection of that tax, and the county treasurer is hereby required to receive such certificates when presented by the tax collector. Collector to receive certificates in payment of county tax.
Provided.
Treasurer to receive certificates

SEC. II. Repeals conflicting laws.

Approved December 9, 1871.

No. CXCVIII.—(O No. 111.)

An Act to regulate the pay of jurors in the County of Newton.

101. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, the compensation of jurors for the county of Newton shall be two dollars each per diem, to be paid according to the manner now prescribed by law. Jurors to be paid \$2 per diem.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

Compensation of jurors of certain counties.

No. CXCIX.—(O No. 138.)

An Act to compensate Grand and Petit Jurors for the County of Paulding.

Per diem
pay of
jurors.

102. SECTION I. *The General Assembly enacts as follows:* That from and after the passage of this Act, grand and petit jurors for the county of Paulding shall receive from the county treasury thereof two dollars each per day, for each day they shall serve as such.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CC.—(O No. 13.)

An Act to provide for the compensation of Grand and Traverse Jurors of the County of Polk.

Jurors to
be paid \$2
per diem.

103. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the grand and traverse jurors of the county of Polk shall receive two dollars each for each day of actual service, to be paid by the county treasurer.

Ordinary
authorized
to assess
taxes.

104. SEC. II. That, to meet the provisions of this Act, the Ordinary of said county is hereby authorized and required, in making assessments of taxes for county purposes, to provide for the said payment of said jurors.

SEC. III. Repeals conflicting laws.

Approved December 2d, 1871.

No. CCI.—(O No. 121.)

An Act to fix the compensation of Grand and Petit Jurors in the Counties of Rabun and Towns, and to provide for the payment of the same, and to repeal all laws heretofore in existence providing for the payment of jurors in said counties, and to repeal all conflicting laws, and for other purposes.

Compensa-
tion of
jurors.

105. SECTION I. *The General Assembly do enact,* That from and after the passage of this Act, the compensation of grand and petit jurors in the counties of Rabun and Towns be as follows: That is to say, that for each and every day any citizen of either of said counties may serve, either as a grand or petit juror, in the county of his residence, he shall be exempt from road duty upon the public roads in said county one day, and shall not be considered as a defaulter from road duty for failing to work on the public roads one day for each

Increase the pay of jurors of Randolph county.

day he may have so served and obtained the certificate, as hereinafter provided: *Provided*, however, he shall not be entitled to claim such exemption if such default be after the expiration of six months from the time of his service as such juror.

106. SEC. II. That the Clerks of the Superior Courts of said counties, at the adjournments of the Court in each county respectively, or soon thereafter, shall issue to each and every juror, who served at the term of said Court just adjourned, a certificate as now practiced, stating the number of days he has so served, including only the number of days served by him after such juror was sworn and qualified as such and up to the day of his dismissal, which certificate shall be *prima facie* evidence as to the time and number of days so served. Clerks to issue certificates of jurors' service.

107. SEC. III. That any person in either of said counties, receiving such certificate, and being already exempt from public road duty, is entitled to receive for the same the sum of seventy-five cents per day for each day of his service as a juror, by first subscribing an affidavit on said certificate, or attached thereto, that he is, by law, exempt from public road duty, which certificate shall be then negotiable, and shall also be received by the tax collector of the county in which the jury service was rendered, in payment of taxes due the county, to the amount of said certificate, or shall operate as an order on the county treasurer of said county. Per diem pay of persons exempt from road duty.

108. SEC. IV. That all other laws heretofore in existence providing for the payment of grand and petit jurors in said counties of Rabun and Towns, and all laws conflicting with this Act, be, and the same are hereby repealed. Repeals previous laws.

Approved December 13th, 1871.

No. CCII.—(O No. 128.)

An Act to increase the pay of jurors for the county of Randolph.

109. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the grand and petit jurors of Randolph county shall receive two dollars per diem during the time of their service, to be paid in the same manner as jurors are now paid under the general law of this State. Juror's per diem, \$2.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

Pay of jurors—Insolvent costs.

No. CCIII.—(O No. 202.)

An Act to increase the pay of jurors in the Counties of Stewart, Webster, Troup, Terrell, Spalding, Gordon, Paulding, Early, Miller, Green, Murray, Quitman, Fayette, Clayton, Lumpkin, Heard, Cobb, Clarke, Chattahoochee, Henry, Taylor, Macon, Telfair, Thomas, Decatur, Habersham, Monroe, Dooly, Jasper, Houston, Worth and Clay.

110. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, it shall be lawful for the grand and petit jurors of the counties of Stewart, Webster, Troup, Terrell, Spalding, Gordon, Paulding, Early, Miller, Green, Murray, Quitman, Fayette, Clayton, Lumpkin, Heard, Cobb, Clarke, Chattahoochee, Henry, Taylor, Macon, Telfair, Thomas, Decatur, Habersham, Monroe, Dooly, Jasper, Houston and Worth, to receive two dollars per diem for services actually rendered, and to be paid as jurors are now paid by law. Jurors to be paid \$2 per diem.

SEC. II. Repeals conflicting laws.

Approved December 14th, 1871.

No. CCIV.—(O No. 60.)

An Act to provide for the payment of insolvent costs to the county officers of Upson county, and for other purposes.

111. SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same*, That from and after the passage of this Act, it shall and may be lawful for any county officer in the county of Upson to lay before the grand jury at each term of the Superior Court of said county, a statement of the amount of insolvent costs in criminal cases claimed, and if the grand jury is satisfied that the service for which the costs is claimed has been rendered, and that the claim is insolvent, they, by their foreman, shall approve the same, and when so approved, the county treasurer shall pay all such claims out of any money in the treasury, not otherwise appropriated. County officers to estimate amount of insolvent costs.
Treasurer to pay with approval of grand jury.

SEC. II. Repeals conflicting laws.

Approved December 11th, 1871.

County lines—Regulations.

No. CCV.—(O No. 134.)

An Act to require the Tax Collector of the county of Ware to receive county scrip for taxes due the county.

112. SECTION I. *Be it enacted by the General Assembly of Georgia,* That the Tax Collector of the county of Ware be, and he is hereby required to receive county scrip for all taxes due the county. Collector to receive scrip for taxes.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

DIVISION IV.—COUNTY LINES.

No. CCVI.—(O No. 21.)

An Act to change the county line between the counties of McIntosh and Liberty.

113. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the line between the counties of McIntosh and Liberty shall be so changed as to include the upper and larger part of the twenty-fourth (24) District of McIntosh, in the county of Liberty, and the part so cut off and attached to Liberty shall be known as the 24th District, G. M., of the county of Liberty, and that part of the said 24th District left in McIntosh shall be attached to the adjoining Militia District; and the line between the said counties of McIntosh and Liberty shall be as follows, to-wit: Commencing at Miller's Lake and running in a north-eastern direction, crossing the Macon and Darien road at Wesley Creek, and thence following the said creek to the present district line, and then along the said district line to the county of Liberty. Line of McIntosh and Liberty changed.

SEC. II. Repeals conflicting laws.

Approved December 4th, 1871.

DIVISION V.—REGULATIONS.

No. CCVII.—(O No. 117.)

An Act to reduce the bond of the Sheriff of Banks county.

114. SECTION I. *Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same,* That from and after the

County regulations.

Sheriff's
bond not
more than
\$5000.

passage of this Act, sheriffs coming into office, in and for the county of Banks, in this State, shall not be required to give an official bond for more than five thousand dollars.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCVIII.—(O No. 132.)

An Act to repeal all local road laws of the county of Bryan, and for other purposes therein mentioned

Local
road laws
repealed.

115. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, all and singular, the local laws, having reference to the working of the public roads of the county of Bryan, be and the same are hereby repealed.

General
law in
force.

116. SEC. II. That the general road laws of this State shall apply to the said county of Bryan.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCIX.—(O No. 169.)

An Act to give the local authorities of Chatham county, having jurisdiction over public roads, power to abolish, alter or change the line of the public road from the Isle of Hope, across Long Island, to the main road on Skidaway Island.

Preamble.

WHEREAS, By Act of the Legislature, approved October the 17th, 1870, the road and bridges from the Isle of Hope, across Long Island to the main road on Skidaway Island, in the county of Chatham, were declared to be a part of the public roads of Chatham county; and, whereas, it is supposed the said Act deprives the local authorities of said county having jurisdiction over public roads, of the right to abolish, alter or change the said road.

County
authorities
have juris-
dicti'n over
said roads.

117. SECTION I. *Be it enacted, etc.,* That the local authorities of Chatham county having jurisdiction over the public roads and bridges of said county, be, and they are hereby authorized and empowered to abolish, alter or change the said roads and bridges from the Isle of Hope, across Long Island, to the main road on Skidaway Island, in the county of Chatham, as if the said Act, approved October 17th, 1870, had not been passed.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

County regulations.

No. CCX.—(O No. 170.)

An Act to limit the time of service of Petit Jurors in the Superior Courts of Chatham County.

118. SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and immediately after the passage of this Act, no petit juror shall be compelled to serve in the Superior Courts of the county of Chatham for a longer time than fourteen days of actual attendance at the same term of said Superior Court, except when actually engaged in the trial of a case at the expiration of said time; and the Judge of said Superior Court is hereby authorized to draw and have summoned at any time during the term of said Court, in the manner now prescribed by law for drawing juries, such additional number of jurors as, in his discretion, may be necessary to perform the service demanded by the business before said Court. That the jurors so drawn as aforesaid shall be compellable to attend and serve in said Superior Court on twenty-four hours' notice. ^{Limits of service for juries.} ^{Notice to jurors.}

119. SEC. II. That the provisions of this Act shall apply to jurors already drawn for the approaching term of said Court, as well as to those hereafter to be drawn. ^{Applicat'n of Act.}

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCXI.—(O No. 137.)

An Act to repeal "an Act consolidating the offices of Tax Receiver and Collector for Charlton County."

120. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Act consolidating the offices of Tax Receiver and Collector for Charlton county be, and the same is hereby repealed. ^{Offices consolidated.}

121. SEC. II. This Act shall not take effect until the next election, when a Receiver and Collector shall each be elected as now prescribed by law. ^{When to take effect.}

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

County regulations.

No. CCXII.—(O No. 16.)

An Act to authorize the revision of the jury box in the counties of Cherokee, Twiggs and Fulton.

WHEREAS, The jury box of the counties of Cherokee and Twiggs was not revised on the first Monday in June, as required by law for the revision thereof.

Jury commissioners to revise jury boxes of Cherokee and Twiggs counties.

122. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same,* That the jury commissioners for said counties of Cherokee and Twiggs are hereby authorized and empowered to revise the jury box in said counties at any time within sixty days after the passage of this Act, in the same manner they were authorized to have done on the first Monday in June, eighteen hundred and seventy, and said revision shall be as legal and valid to all intents and purposes as if the same had been done on the day as prescribed by law.

Jury box of Fulton county to be revised.

123. SEC. II. And whereas, there are believed to be more than one thousand persons in the county of Fulton liable to jury duty, and competent to serve as such, and by some mistake or neglect there are less than one hundred and fifty names on the list of said county. Be it enacted, etc., That the jury box of said county be revised within the time and in the manner provided in the first section of this Act, and the Judge of the Superior Courts of the Atlanta Circuit be authorized to appoint new commissioners for the purpose of said revision.

SEC. III. Repeals conflicting laws.

Approved December 4th, 1871.

No. CCXIII.—(O No. 4.)

An Act to change the county site of Clarke county from Watkinsville to Athens, and to make provision for the procurement of a suitable building for the Court-house, and to make provision for a jail in said town.

Athens to be county-site of Clarke Co. after Jan'y 1st, 1872.

Courts to be held and offices and jail to be located in Athens.

124. SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the first day of January next, Watkinsville shall cease to be the county site of Clarke county, and that the town of Athens shall become the permanent site of said county, and that from and after the day aforesaid all the Courts provided by law to be held at the county site shall hold their sessions at the town of Athens, and that all the county officers who are now compelled to hold their offices in Wat-

County regulations.

kinsville, shall hold such offices in Athens; and that the county jail shall be situated in said town of Athens, and that all legal process heretofore issued, or which may hereafter be issued, shall compel the attendance or answer of parties, witnesses or jurors to the session of the Court when held in the town of Athens, according to the law made and provided.

125. SEC. II. That whereas the Intendant and Wardens of said town of Athens have tendered the town-hall of Athens to the county of Clarke to be used as a Court-house, the said Intendant and Wardens and their successors in office, in case the present board does not complete the undertaking, shall be constituted a board of commissioners, and are hereby so appointed to make such alterations in said town hall as may be necessary for the sessions of the Court, and the Ordinary is hereby authorized and required to sell to the highest bidder the buildings herein specified, to wit: the Court-house and clerk's office, situated in Watkinsville, after advertising the same fifteen days in the town papers; and he is hereby required to appropriate the proceeds of said sale, or so much thereof as the said commissioners may deem necessary, to defray the alterations in the town hall as aforesaid; and that the Ordinary be required to make immediate provision for a jail in the town of Athens by removing the iron work of the jail in Watkinsville, to the town of Athens, and therewith enlarging and otherwise fitting for such use, the calaboose or town prison of Athens, and that this section of this Act take effect immediately after its passage.

126. SEC. III. That the Ordinary of said county be, and he is hereby authorized and required to levy such additional tax as may be necessary to cover the expense of this removal.

SEC. IV. Repeals conflicting laws.

Approved November 24th, 1871.

No. CCXIV.—(O No. 129.)

An Act to repeal an Act entitled an Act to consolidate the offices of Tax Receiver and Collector of the county of Dade.

127. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, an Act entitled an Act to consolidate the offices of tax receiver and collector for the county of Dade, assented to December 1st, 1860 be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

County regulations.

No. CCXV.—(O No. 51.)

An Act to extend the provisions of the eleventh section of the Act approved February 22d, 1850, in relation to Tax Receivers and Collectors of Chatham county to the county of Fulton.

128. SECTION I. *The General Assembly of the State of Georgia do enact*, That the compensations now allowed by the provisions of the eleventh section of an Act, passed and approved 22d February, 1850, to the tax collector and receiver of Chatham county be, and the same are hereby allowed to the tax receiver and collector of Fulton county.

Compensation of Tax Collector and Receiver of Chatham county extended to Fulton Co.

SEC. II. Repeals conflicting laws.
Approved December 11th, 1871.

No. CCXVI.—(O No. 155.)

An Act to extend the provisions of the eleventh Section of the Act, approved February 22d, 1850, in relation to Tax Receivers and Collectors of Chatham county to the county of Fulton.

129. SECTION I. *The General Assembly of the State of Georgia do enact*, That the compensations now allowed by the provisions of the eleventh section of an Act, passed and approved 22d February, 1850, to the tax collector and receiver of Chatham county be, and the same are hereby allowed to the tax receiver and collector of Fulton county.

Compensation to officers of Chatham allowed to Fulton Co.

SEC. II. Repeals conflicting laws.
Approved December 13th, 1871.

NOTE.—The two preceding Acts, (Nos. 215 and 216,) are in the same words and tenor, differing only in the date of approval.

No. CCXVII.—(O No. 158.)

An Act to amend the road laws of the State, so far as they relate to the county of Lumpkin.

Preamble.

WHEREAS, Owing to the mountainous and rugged nature of the county of Lumpkin, it is impossible to make the roads the width required by the present law, and the enforcement will be a great hardship to the people of said county, therefore,

130. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That at such places in the roads situated in the county of Lumpkin where, owing to the situation of the ground,

County regulations.

it is impracticable to make the roads as wide as they are now required to be made by law, the road commissioners for the district in which said road is situated shall have authority to fix the width of said road, subject to the approval of the Ordinary of said county. Commissioners may fix width of roads.

131. SEC. II. That the Ordinary of the county of Lumpkin shall appoint as road commissioners for the various districts of said county, only such persons as are over fifty years of age, and the persons thus appointed shall be required and compelled to serve: *Provided*, the Ordinary shall (not) appoint the same person commissioner for two consecutive years without his consent. App'tment of commissioners.

SEC. III. Repeals conflicting laws.

Approved December, 13th, 1871.

No. CCXVIII—(O No. 156.)

An Act to prevent hounding and killing deer in the county of Laurens during the months of May, June, July and August.

132. SEC. I. *Be it enacted by the General Assembly of Georgia*, That from and after the passage of this Act it shall be unlawful for any person to hound or kill deer in the county of Laurens during the months of May, June, July and August in each year. Unlawful to hunt deer in certain months.

133. SEC. II. That any person violating the provisions of the first section of this Act shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as prescribed in section 4245 of Irwin's Revised Code. Penalty.

SEC. III. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCXIX—(O No. 133.)

An Act to authorize Clerks of Superior Courts in the counties of Lowndes, Coffee, Echols, Clinch and Ware to issue writs that shall bear test in the name of J. R. Alexander and William M. Sessions.

WHEREAS, A vacancy has occurred in the Allapaha Circuit, in consequence of the resignation of John W. O'Neal, Judge of said Circuit. Preamble.

134. SECTION I. That all writs and processes issued by the Clerks of the Superior Courts in the county of Lowndes shall bear test in the name of J. R. Alexander, Judge of the Southern Circuit, and that all writs and processes issued by the Clerks of the Superior Courts of the counties of Echols, Ware, Clinch and Coffee shall bear Writs to bear test in the names of other Judges.

County regulations.

test in the name of William M. Sessions, Judge of the Brunswick Circuit.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCXX—(O No. 102.)

An Act to authorize sheriffs and other levying officers of Miller county to collect advertising fees and cost of keeping property in their possession, as now provided for, before accepting affidavits of illegality and claims.

Sheriff to collect advertising fee before accepting affidavit of illegality.

135. SECTION I. *Be it enacted*, That from and after the passage of this Act it shall be lawful where sheriffs and other levying officers of Miller county shall have levied a *fi. fa.*, or *fi. fas.*, on property, as the property of defendants in *fi. fa.*, and given notice to such defendant, defendants or party in possession of such property, and shall afterwards advertise such property for sale, it shall be his or their duty to collect the cost of advertising and keeping such property in his possession, if any, before accepting such affidavit of illegality or claims: *Provided*, said party or parties shall have received three days' notice of such levy.

Proviso.

SEC. II. Repeals conflicting laws.

Approved December 12th, 1871.

No. CCXXI—(O. No. 46.)

An Act to prevent the sale of spirituous liquors within one mile of the Clements Institute, of Montgomery county, and to prohibit the establishment of any grocery, saloon or other place for the purpose of selling spirituous liquors or intoxicating drinks, and for other purposes.

Preamble.

WHEREAS, The Clements Institute, of Montgomery county, is located on grounds in said county belonging to said Institute, and there is also a house of worship located thereon, and it is highly important to the design of said Institute, that there be no place for the sale of spirituous liquors within its immediate neighborhood, therefore,

No spirituous liquors to be sold within certain limits.

136. SECTION I. *Be it enacted etc.*, That no person shall at any time sell or establish a grocery, saloon, or other place, for the purpose of selling spirituous liquors, or intoxicating drinks, or beverages of any description, within one mile of the grounds whereon said institute and church are located.

County regulations.

SEC. II. That any person violating this Act shall be guilty of a misdemeanor, and on conviction thereof be fined in a sum not exceeding two hundred dollars, or imprisoned in the common jail of the county for a term not exceeding six months, or both, in the discretion of the Court. Penalty.

SEC. III. Repeals conflicting laws.

Approved December 9th, 1871.

No. CCXXII.—(O No. 50.)

An Act to impose certain duties and confer certain powers upon the Ordinary of Union county with reference to opening a new road in said county.

137. SECTION I. *The General Assembly do enact*, That, to the end that communication may be facilitated between that portion of Union county lying south of the Cooper Creek Mountains, and the county site of said county, that the Ordinary of said county be, and he is hereby authorized to employ a competent surveyor, and to appoint three special commissioners for the purpose of laying off and locating a new road, connecting Blairsville and Gaddistown, said road to run through the Mulkey Gap. Ordinary to employ surveyor and commissioners to lay off road from Blairsville through Mulkey's Gap.

138. SEC. II. For the purpose of opening and working out said road a'l the road hands in Blairsville, Akaquah, Coosa, Upper Young Cane, Cooper's Creek and Gaddistown Districts, be, and they are hereby made liable to work upon said road for the purpose aforesaid, and that they be make subject to all the penalties for refusal or neglect to obey any summons to work upon the same that applies to other defaulters under the road laws of this State. The road hands in certain districts to work on said road.

139. SEC. III. That it shall be the duty of the commissioners and surveyor, hereinbefore provided for, within twenty days from the date of their appointment, to proceed to mark out and locate said road. Road to be laid out in 20 days after appointment.

140. SEC. IV. That it shall be the duty of the Ordinary aforesaid to appoint one overseer in each of the districts aforesaid, whose duty it shall be, under the direction and instruction of said Ordinary, to warn all the road hands in their respective districts, for any time not longer than four days, to appear upon a day certain, to work upon said new road, and all the laws now of force to compel the performance of duty upon the part of overseers of public roads, shall apply to and be of force as to said overseers so appointed. Ordinary to appoint overseers.

141. SEC. V. All complaints against defaulters under this Act shall be made before the commissioners of roads in the town district, upon whom jurisdiction is hereby conferred to hear and determine upon the same, as in other cases of defaulters under the road laws of this State. Complaints to be made in town district.

142. SEC. VI. All laws for compelling overseers and road hands to discharge their respective duties in their respective road districts, Duty of overseers.

Relief of O. P. Anthony.

are hereby declared to be of force and applicable to the overseers and road hands in the several districts hereinbefore named, in performing the duties contemplated in this Act.

Duration
of Act.

143. SEC. VII. This Act shall continue of force only so long as may be necessary for the opening and working out of said new road, which so soon as completed shall be by said Ordinary entered upon the record as a public road, and shall thereafter be worked and kept up as other public roads in said county.

Road
declared
a public
road.

Penalty
for not
working.

144. SEC. VIII. Any person warned, and liable to work under the provisions of this Act, may relieve himself of such liability by paying to said Ordinary the sum of two dollars as commutation for the service contemplated by this Act, and all funds raised under this section shall be used by said Ordinary in procuring labor to be done upon said new road upon such terms as he may deem best.

SEC. IX. Repeals conflicting laws.

Approved December 11th, 1871.

TITLE IV.

RELIEF.

O. P. ANTHONY.	B. CHANCEY.
SECTION. 1. Principal and securities on his bond relieved.	SECTION. 8. Relieved from penalty as tax collector.
CALLOWAY CAMPBELL.	ZIBA KING.
2. May build mill dam on Conesauga river.	4. Relieved from penalty of second marriage.

No. CCXXIII.—(O No. 25.)

An Act for the relief of O. P. Anthony, Tax Collector for the county of Clay, and his securities.

Preamble. WHEREAS, O. P. Anthony, tax collector for the county of Clay, having no safe place of deposit for the keeping of money collected by him for the State of Georgia, did deposit all funds collected by him in the iron safe of James P. Sharpe, a respectable merchant in the town of Fort (Valley) Gaines; and, whereas, said iron safe was burglariously entered and the contents feloniously abstracted, including fifteen hundred and forty dollars of the money belonging to the State. Therefore,

1. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That the said O. P. Anthony and his securities*

Relief of Calloway Campbell and B. Chancy.

are hereby relieved of all pains and penalties arising from the deficit in the accounts of said Anthony, which resulted from this theft, and that the Comptroller be, and he is hereby authorized to credit the accounts of said Anthony with the amount stolen, fifteen hundred and forty dollars. Principal and securities relieved.

SEC. II. Repeals conflicting laws.

Approved December 8th, 1871.

No. CCXXIV.—(O No. 182.)

An Act to authorize Calloway Campbell, of the county of Murray, to erect a mill dam across the Conesauga river, on his land in the 10th district, in the 3d section of Murray county.

2. SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That Calloway Campbell, of the county of Murray be, and he is hereby authorized to erect a mill dam across Conesauga river, in the county of Murray, on his own land, in the 10th district of said county: Provided, however, he does not back the water on the land of any other person, or interfere with any ford in the said river.* Authorized to erect mill dam. Proviso.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCXXV.—(O No. 160.)

An Act for the relief of B. Chancy, Tax Collector of Early county, for the year 1869.

WHEREAS, A *feri facias* has been issued by Madison Bell, Comptroller General of this State, against B. Chancy, late Tax Collector of Early county, and his securities on his bond as said collector, for arrearages of tax of 1869, due from his county, with interest on the principal at the rate of twenty per cent. *per annum*, and whereas the said Chancy did pay off the full amount of the principal on the first day of March last; and, whereas, his delay in settling was caused by the death of the regular sheriff, and the subsequent appointment of another sheriff, who failed to give bond; and, whereas, as a prudent officer, the said Chancy was unwilling to entrust the collection of his tax *fi. fa.* with an unbonded officer. Therefore,

Preamble.

Relief of Ziba King.

Relieved
from lia-
bility and
penalty.

3. SECTION I. *The General Assembly of the State of Georgia do enact*, That the said Ben Chancy be, and he is hereby relieved from all liability for said twenty per cent. penalty, and that said *fi. fa.* be entered as fully satisfied without including any part of said twenty per cent.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

No. CCXXVI.—(O No. 164.)

An Act for the relief of Ziba King.

Relieved of
penalty of
his second
marriage.

4. SECTION I. *Be it enacted*, That Ziba King be, and he is hereby relieved from the pains and penalties incurred by reason of his second marriage.

SEC. II. Repeals conflicting laws.

Approved December 13th, 1871.

RESOLUTIONS.

NUMBER.

1. Treasurer to advance \$100 to members and officers of General Assembly.
2. Requiring officers and agents of W. & A. R. R. to pay into the State Treasury money in their hands.
8. Consolidating certain committees.
4. Committee appointed to report on codification of laws.
5. Compensation of State Printer.
6. In relation to refunding tax on cotton.
7. Committee to investigate transactions between Rufus B. Bullock, Henry Clews, National Bank of Atlanta, and other parties.
8. Appointing day of Thanksgiving.
9. Committee to inquire into departments of the State.

NUMBER.

10. Providing for the arrest of certain parties.
11. Dismissing cases against Treasurer.
12. Calling for information as to indebtedness of the State for printing, etc.
13. Relating to Cherokee Indians.
14. Declaring the meaning of section 4, paragraph 8, of the Code.
15. Requesting Congress to reimburse city of Savannah.
16. Memorial relative to Canal from Mississippi river to the Atlantic ocean.
17. In relation to the resignation of R. B. Bullock.
18. Appointing committee to inquire into certain matters in connection with Executive Mansion.

(No. 1.)

Resolved, That the Treasurer be instructed to advance to each member and officer of this General Assembly one hundred dollars. Advance to members of Legislature.
 Approved November 11th, 1871.

(No. 2.)

Resolved, That the late Treasurer of the Western and Atlantic Railroad, and other officers and agents of said road, pay immediately over to the Treasurer of the State of Georgia, the balances remaining in their hands, belonging to the said State of Georgia, being the earnings of the Western and Atlantic Railroad, whilst in possession of said State. Officers W. & A. R. R. to pay balances into treasury.

Resolved further, That said late treasurer, and other officers and agents of said Western and Atlantic Railroad, shall not pay to any of the late officers of said road, or to any of the persons now claiming to be officers of said road, or to any persons appointed by Rufus B. Bullock, late Governor, as Commissioners to look into the affairs of said road, or to any other person whomsoever, any part or portion of the said balance remaining in their hands. Not to be paid to any person.

Resolved further, That the Treasurer of this State call upon the late Treasurer and other officers and agents of the Western and Atlantic Railroad, State Treasurer to demand.

Committees—Tax on raw cotton.

Previso. lantic Railroad immediately, and demand of them the balances of money so due to the State, as above set forth: *Provided*, That nothing in the foregoing resolutions be construed as expressing the sense of this House that the balances admitted by the said officers and agents are the *real* balances due.

Approved November 17th, 1871.

(No. 3.)

To consolidate committees. *Resolved, by the Senate and House of Representatives, That the Committees of Agriculture and Manufactures of the House be consolidated into a joint committee.*

Approved November 17th, 1871.

(No. 4.)

Codificat'n of laws applicable to Justices of the Peace. *Resolved, That a committee be appointed of three from the House and two from the Senate, to examine and report at as early a date as practicable, upon "a codification of the laws of this State applicable to Justices of the Peace and Justices' Courts," prepared by S. C. McDaniel.*

Approved November 24, 1871.

(No. 5.)

Compens'n of Public Printer. *Resolved, by the House of Representatives, the Senate concurring, That the standing committees on public printing, of the two Houses, be and they are hereby instructed forthwith to consider and report whether justice to the State requires any change in the rates of compensation now allowed by law to the State Printer, and if any, what change is necessary, that such rates may be made reasonable and fair, and that the joint report of said committees be made to the two Houses, on Saturday next.*

Approved November 24th, 1871.

(No. 6.)

Joint Resolution in relation to refunding the tax on raw cotton collected during the years 1865, '66 and '67, under the Revenue laws of the United States.

WHEREAS, It is the deliberate conviction of this General Assembly, and believed to be that of the entire people of the cotton pro-

Refunding cotton tax.

ducing States, that the Acts of Congress imposing a specific tax on all raw cotton grown in the United States, to the exclusion of all other agricultural products, from which a much larger amount of revenue might have been realized, were unequal, unjust and unconstitutional, and that said tax was imposed and collected at a time when the Southern people were prostrated and impoverished by war; and, whereas, it is believed that such Acts were the result of excitement, engendered by the late unfortunate war, between the States, considered as a necessary means of paying the debt incurred by its prosecution, and a proper mode of meeting retribution upon the vanquished; and, whereas, it is now earnestly hoped that time has softened those asperities so that the voice of justice will be heard with patience and magnanimity, and that Congress will promptly and generously yield to an appeal to reason and their sense of constitutional obligation when respectfully made by those from whom, in their poverty and ruin, such tax has been exacted and collected; and, whereas, it is the true policy of the General Government to foster and encourage, rather than burden agriculture, the productions of which have been uniformly, and should continue to be exempt from taxation; and, whereas, it is a matter of the first magnitude that fraternal feelings between the two lately belligerent sections of the Union should be restored as speedily as possible, to which consummation so devoutly to be wished, nothing can contribute so much as striking exhibitions of justice and magnanimity by the Federal Government. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Congress of the United States is hereby respectfully requested to provide by law for refunding to those who have paid the same, the amount of tax collected on raw cotton under the revenue laws of the United States during the years 1865, '66 and '67. Tax on cotton.

Be it further resolved, etc., That a joint committee, consisting of two members of the Senate and three from the House of Representatives, be appointed by the respective presiding officers thereof, to prepare a memorial to the Congress of the United States, setting forth the inequality, injustice and unconstitutionality of the aforesaid tax on cotton, and that they lay the same, together with a copy of this preamble and resolutions, before Congress at its next session, appealing to that body, in the name of the people of Georgia, for its favorable and considerate action in the premises: and, Committee to be appointed to prepare memorial.

Be it further resolved, etc., That his Excellency the Governor be requested to transmit a copy of this preamble and resolutions to the Governor of each of the cotton growing States, accompanied by the request that he submits the same for favorable consideration to the Legislature of the State over which he presides. Governor to transmit copies to Southern Governors.

Approved November 28th, 1871.

Thanksgiving—Committee of investigation.

(No. 7.)

Committee
to investi-
gate trans-
actions in
bonds be-
tween R. B.
Bullock
and Henry
Clews & Co.

Resolved by the General Assembly, That the joint committee on finance of the Senate and House of Representatives be directed to proceed forthwith to make a thorough investigation of all matters touching the transactions in bonds, moneys and other securities of the State of Georgia between Rufus B. Bullock, late Governor of Georgia, and Henry Clews & Company, of New York, through the Georgia National Bank of Atlanta, or through any other bank or person.

Resolved, That for this purpose said joint committee shall be invested with power to send for persons and papers.

Chairman
to sue out
warrant
against any
official
guilty of
offense
against law
of the State

Resolved further, That it be made the duty of the chairman of said committee, in the event of his finding reasonable ground of suspicion from the evidence before them that any present or former official of the State Government has been guilty of any offense against the laws of this State, forthwith, upon affidavit before a competent officer, to sue out a warrant for the apprehension of said official, and in case of his absence from the State to procure a demand to be made upon the Executive of the State to which he has fled, for his delivery, that he may be brought to justice.

Approved November 28th, 1871.

(No. 8.)

WHEREAS, The President of the United States, and the Governors of the different States have issued their proclamations requesting the observance of Thursday, the 30th instant, as a day of general Thanksgiving. Therefore be it

Appoint-
ing a day
of thanks-
giving.

Resolved by the Senate and House of Representatives, That the General Assembly do adjourn for that day, and a joint committee, consisting of one from the Senate, and two from the House be appointed by the presiding officers of the two Houses, to arrange for divine services at 10½ o'clock, A. M., in the Representative Hall.

Approved November 29th, 1871.

(No. 9.)

A resolution, appointing certain committees to make a thorough investigation into the various departments of the State Government, and report thereon to the General Assembly at its next session.

Preamble.

WHEREAS, There are various transactions connected with the State Government during the past three years, that are reported to be fraudulent, and in which the State has been wronged for the benefit of individuals, which require investigation; be it, therefore,

Committees of investigation.

Resolved, by the General Assembly of the State of Georgia, That the following joint committees of the Senate and House of Representatives be appointed by the presiding officers of the respective Houses, each to consist of two (2) from the Senate and three (3) from the House, to-wit:

Certain committees to be appointed.

1st. A committee, whose duty it shall be to investigate the official conduct of Rufus B. Bullock, late Governor of Georgia, including his management of the finances of the State; the issue and sale of State bonds, and the indorsement by him, as Governor, of the bonds of railroad companies, under the different Acts granting State aid to said companies; and that said committee be authorized to employ a banker or such other expert in the management of finances as may be deemed necessary to aid them in accomplishing the objects for which said committee is appointed.

Committee to investigate the conduct of R. B. Bullock.

2d. A committee to investigate the administration and management of the Western and Atlantic Railroad, and the management of its finances with said management, which go to show the fraudulent use or embezzlement of any funds or property belonging to the State, or the wrongful conversion thereof to the use of individuals, and by whom and for whose benefit it was done, and that said committee be authorized to employ such book-keeper, or other person skilled in railroading or the management of railroads as may be deemed necessary to the accomplishment of the object for which said committee is appointed.

To investigate management of W. & A. R. R.

3d. A committee to investigate the fairness or unfairness of the contract made between Rufus B. Bullock, as Governor, and the present lessees, known as the Western and Atlantic Railroad Company, by which the road, with all its appurtenances, was leased to that company on the 27th day of December, 1870, under the Act of the Legislature passed at the last session, and to investigate the question of fraud in said contract, if any exists.

To investigate lease of W. & A. Railroad.

4th. A committee to investigate the conduct of the commissioners appointed under the Act of the Legislature to audit all claims against the Western and Atlantic Railroad, and to allow such claims as were justly due by said railroad at the date of said lease, and to inquire whether any claims have been allowed by said commissioners which have been rejected by the Legislature or the Courts, and whether any claims have been allowed which were barred by the statutes of limitation, and whether any fraudulent or illegal claims have been allowed, and upon what evidence allowed.

To investigate the conduct of committee on claims against W. & A. R. R.

And each of said committees shall have power to send for persons and papers, and to compel the attendance of witnesses, and to swear said witnesses, and compel them to answer all legal questions pertinent to points hereby intended to be investigated.

Power to send for persons and papers.

Approved December 1st, 1871.

(No. 10.)

Preamble. WHEREAS, this House has concurred in the Senate resolutions providing for the appointment of joint committees to investigate the various Acts of mal-administration of the State Government, and other Acts wherein the State is interested; now to the end of making the labors of said several committees effectual—be it

Resolved, by the House of Representatives, the Senate concurring, That if, in the progress of any investigation under the provisions of said resolutions, any person shall appear to have been guilty of an offense against the criminal laws of this State, it shall be the duty of the chairman of the committee to whom such evidence shall appear, to have a warrant, based upon proper affidavit, sued out before a competent officer for the arrest of such offender, and in case the offender has fled, to procure a demand to be made upon the Executive of the State to which he has so fled; to the end that such offender, in any such case, may be brought before a Court of inquiry, to be bailed, committed or discharged, as the laws of this State provide.

Parties implicated to be arrested

Approved December 5th, 1871.

(No. 11.)

Preamble. WHEREAS, It has not been customary to require the State Treasurer to pay into the treasury interest on deposits of State funds.

Be it resolved, That the Treasurer of the State shall not be held liable for any such interest: and,

Be it further resolved, That suits now pending against the present treasurer, involving such interest under the provisions of section 86, paragraph 8, of Irwin's Revised Code, be discontinued, and that the Attorney General is hereby instructed to dismiss said suits.

Discontinuing certain suits against the State Treasurer.

Approved December 8th, 1871.

(No. 12.)

A resolution requesting information from the Governor as to the amount due for printing and other claims against the State of Georgia.

Resolved, That his Excellency the Governor be requested to communicate to the General Assembly the amount of outstanding indebtedness against the State for printing, contingent expenses, rewards and other claims and indebtedness which appear in the Executive office.

Governor to furnish informat'n of amount due for printing, etc.

Approved December 8th, 1871.

(No. 13.)

WHEREAS, On the 29th of December, 1835, a treaty was concluded, and ratified May 23d, 1836, between the United States of America and the chiefs, head-men and people of the Cherokee tribe of Indians; and, by the first and second articles of said treaty, the Cherokee Nation ceded and conveyed to the United States, all the lands owned, claimed or possessed by them, east of the Mississippi river, for which the United States conveyed to them seven millions of acres west of the Mississippi; and afterwards the land conveyed to the Cherokees was thought insufficient, and the United States sold to the Cherokees eight hundred thousand acres of land, which was, and is known as the neutral land, for which the United States retained one-half million of dollars out of the five millions which was to be paid to the Cherokees in addition to seven million acres of land; and, whereas, a part of the twelfth section of said treaty of 1835—1836, is in the following words: "Article 12. Those individuals and families of the Cherokee Nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements and *per capita*;" and, whereas, by another treaty between the United States and the Cherokee Indians, proclaimed August 11th, 1866, of which part of Article 17 is in the following words: "The Cherokee Nation hereby cedes, in trust, to the United States, the tract of land in the State of Kansas, which was sold to the Cherokees by the United States, under the provisions of the second article of the treaty of 1835, and also a strip of the land ceded to the Nation by the fourth article of said treaty, which is included in the State of Kansas, and the Cherokees consent that said lands may be included in the limits and jurisdiction of said State;" and, whereas, the last named lands so ceded to the United States are the very lands which were purchased with the common funds of all the Cherokees, those who remained east as well as those who removed west of the Mississippi; and, whereas, a considerable number of persons who were a part of the Cherokee Nation remained in Georgia, who became, and who now are citizens of Georgia, as under the 12th section of the said treaty of 1835—1836, they had a right to do, without losing any title or right in the property acquired by the Cherokee Nation under said treaty; and, whereas, a treaty is now pending before the Honorable Senate of the United States, in relation to the proceeds of the land so sold to the United States, under the treaty of 1866, and for other money claims of the Cherokees against the United States—be it therefore,

Resolved, That our Senators and Representatives in Congress be requested to use their influence in obtaining for said Cherokees, now

Time defined.

To procure for the sale of the land so sold, under the treaty of 1866, and also, their *pro rata* share of all other money due them under the several treaties made between the United States and the Cherokees.

And be it further resolved, That his Excellency the Governor transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Approved December 9th, 1871.

(No. 14.)

Preamble. WHEREAS, The Constitution prescribes forty days as the time during which the General Assembly may sit without prolongation by a vote of two-thirds of each branch; and, whereas, section 4, paragraph 8 of the Code of Georgia declares, that when a number of days is prescribed for the exercise of any privilege, or the discharge of any duty, and the last day falls on the Sabbath, another day shall be allowed in the computation; and, whereas, the fortieth day from the assembling of this General Assembly fell on the Sabbath. Therefore,

Resolved, That in the opinion of this General Assembly, this day, the 11th, is required to complete the number of forty days prescribed by the Constitution as the length of a session. Read and agreed to in House, December 11th, 1871. Concurred in, in Senate, December 11th, 1871.

This resolution, I presume, is founded upon the 8th paragraph of 4th section of the Code, providing that when a certain number of days is prescribed for the performance of any duty, and the last day shall fall on Sunday, said last day shall not be counted. Adhering still to my (own) opinion that no provision of the Code can do away with any provisions of the Constitution, and that all joint resolutions for the prolongation of the session of the General Assembly, or either branch thereof, beyond the constitutional period, should be presented to me for my signature, which was not done as to the resolution for prolongation, passed on Saturday, I am willing to yield my convictions to the doubts of others, and so far as the joint resolution now presented declares this to be the last day of the session, to approve the same.

December 11th, 1871.

BENJAMIN CONLEY,
Governor.

(No. 15.)

Preamble. WHEREAS, It appears to the satisfaction of this General Assembly that the corporate authorities of the city of Savannah have, since the late war between the States, expended for the improvement of the harbor of Savannah, the sum of two hundred and eighteen thousand, five hundred and forty-seven dollars, including interest on the amounts

Memorial relative to water communication.

actually paid out for said object; and, whereas, the improvement of harbors and navigable waters is one of national concern, the expense of which should be borne by all the people, and paid out of the treasury of the general government. Now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That Congress is hereby respectfully and earnestly requested to appropriate a sum of money sufficient to reimburse the city of Savannah for the expenditures made by said city for improving the navigation of the harbor of Savannah. And be it further

Request
Congress to
reimburse
Savannah
for sums
expended
on harbor.

Resolved, That a copy of the foregoing preamble, and these resolutions, duly certified in duplicate, be forwarded to the Mayor of Savannah, to be laid before the two Houses of Congress at their present session.

Approved December 13th, 1871.

(No. 16.)

Memorial relative to Water Communication between the Atlantic and Mississippi.

The General Assembly of the State of Georgia to the Congress of the United States, respectfully represent, that there is a necessity for a shorter, cheaper and better channel of communication between the Mississippi Valley and the Atlantic seaboard.

Canal from
the Missis-
sippi to the
Atlantic.

That such a channel can be obtained through Georgia by connecting the waters of the Tennessee and Coosa rivers, and the Coosa and Ocmulgee rivers by canal.

That the benefit to be derived from the work, when completed, would be enjoyed equally by the Eastern and Western States of the Union, and that, in case of a hostile invasion, it would be invaluable to the Government as an interior means of communication by which supplies, in large quantities, could be cheaply and safely transported from the West to the East, and that, for these reasons it may justly and properly be considered a national work.

That the impoverished condition of the South precludes the hope that this work can be successfully prosecuted, either as a State work, or by private enterprise, for many years.

The necessity for a work such as is contemplated, is clearly shown by the present charges upon the transportation of grain from the Western States to New York. The charge on wheat from the Mississippi river to New York by railway, when the canals are closed, averages seventy-two (72) cents per bushel, and even by water transportation from Chicago, the charges sometimes amount to fifty-six (56) cents per bushel; or above sixty-two (62) cents per bushel from the Mississippi river, so that the farmer west of that river has to pay one

Water communication.

half of his crop to get the other half to market. In fact, the charges on wheat from the northwest are so onerous as seriously to cripple the development of that section, and to render it doubtful whether there be any profit in raising it.

That this state of things is produced by the present inadequate means of transportation; the pressure upon the present water routes being so great during the limited season between the harvesting of the crops and the closing of navigation, exorbitant prices are demanded for freight, and the distance, by railroad is so great that transportation can never be brought down to a price that will leave a sufficient profit to the farmer, and at the same time be remunerative to the railroads. High rates of freight depress agricultural interests, especially in the States west of the Mississippi, and check emigration.

These evil influences can only be remedied, the agricultural interests of the west fostered and developed, and emigration encouraged, by opening some cheaper channel of trade between the Mississippi and the Atlantic ocean.

The multiplication or consolidation of long lines of railroads can never effect the desired results, as the distance is too great for wheat and corn to be transported at a profit.

A cheap transit can be found for the west through Georgia to the sea, by opening the proposed water line. It is eight hundred and forty-four (844) miles less from St. Louis, the great centre of western trade, to the Georgia Atlantic ports, than to New York by the lakes and Erie canal.

It is two hundred and eighty-two (282) miles less from St. Louis, by the proposed line, to the Georgia ports, than to the Gulf of Mexico, by the Mississippi river.

This route will be safe in war and in peace. It will never be obstructed by ice. Upon it no transshipments will be necessary. No marine insurance will be needed.

A barge loading at any point on the Mississippi, or any of its tributaries, can discharge her cargo on board a vessel at Brunswick or Savannah, without in the meantime breaking bulk.

The two principal seaports of Georgia have harbors that are safe and accessible to sloops, (ships) and seagoing steamers of ordinary capacity, at all times, and are ample to accommodate this trade.

By this proposed line, freight can be transported from St. Louis to Savannah for four dollars and fifty-six cents per ton, and corn for twelve cents per bushel. Being, for the greater part of the way, a river route, it would, at all times afford the cheapest mode of transportation known to the commercial world.

The estimated cost of this work, within the limits of Georgia, will not exceed ten millions of dollars. The saving which would be effected upon the transportation of the grain crops of the West, would pay for it in one year, did it cost ten times as much as the above estimate.

Resolution relative to the resignation of Rufus B. Bullock.

It will supply the great need of the West, and furnish it with what it has so long desired (*viz*) *cheap transportation*.

In our opinion, the cheapening of transportation which it will effect, will enable the United States, once more, to command the grain markets of Western Europe.

In short, there is no interest, either agricultural or mechanical, which it will not aid in developing, and no State in the Union which it will not, in some degree, benefit.

For these reasons we justly regard it as a great national work, which should receive the aid of the General Government, and we therefore respectfully ask that the Congress of the United States will in such way as shall seem to them best, either by a donation of land, or by a loan of the credit of the Government, furnish the means for opening this great continental highway.

Resolved, 1. That our Senators be instructed, and our Representatives in Congress be requested to use their best efforts to obtain such aid from the General Government, as will secure to Georgia this great water line between the Mississippi river and the Atlantic ocean.

As to aid from the General Governm't.

2. That the Governor be requested to forward a copy of the foregoing memorial to the Governors of the States more immediately interested in the opening of this work, and to invite them to co-operate with us in securing the necessary aid.

Governor requested to forward copies to other Governors.

3. That the Governor be requested to forward a copy of said memorial, and of these resolutions to each of our Senators and Representatives in Congress.

And to Senators and Representatives.

Approved December 13th, 1871.

(No. 17.)

Resolution in relation to the resignation of Rufus B. Bullock.

Resolved, That Rufus B. Bullock, late Governor of the State of Georgia, who has resigned his office and left the State under circumstances creating grave suspicion that he is guilty of high crimes and misdemeanors, has, in charging, in a letter bearing date 23d October, 1871, addressed to his political friends and the people of Georgia, that a majority of the House of Representatives had pledged themselves to vote for articles of impeachment against him without investigation, and that the Senate had determined to unseat a sufficient number of Republican Senators to secure his conviction without regard to the truth and validity of the charges, defamed this General Assembly by charges which are untrue. That the statement in the same letter to the effect that the people of Georgia have recently denounced or ignored the Constitution of the United States is false and defamatory of the people of this State. On the contrary, we assert

Letter of R. B. Bullock pronounced false and defamatory of the people of this State.

 Relating to Executive Mansion.

that the people of this State do now, as they did six months ago, (when, according to the letter of the said Rufus B. Bullock, they were peaceably disposed,) acquiesce in the result of the war, and neither entertain any hostility toward the United States, nor deny to any person within the limits of the State the equal protection of the laws.

Of force through lapse of time, November 18th, 1871.

(No. 18.)

A resolution in relation to the Executive Mansion.

Preamble. WHEREAS, Rufus B. Bullock, late Governor of Georgia, has absconded, leaving the Executive Mansion unoccupied, to the end that the Legislature may be informed of the condition of things pertaining to the same, be it

Resolved, That a joint special committee of two from the Senate and three from the House of Representatives be appointed, whose duty it shall be to examine all the house and kitchen furniture, silver-ware and all other articles and implements, etc., connected with the Executive Mansion, also the inventory of the same as it was taken when said articles were turned over to said R. B. Bullock, and report the same to the Legislature at as early a day as practicable.

Committee
to examine
furniture of
Executive
Mansion.

Of force through lapse of time, November 29th, 1871.

ACTS NOT RETURNED OR APPROVED.

The following Acts are those referred to in the subjoined resolution, and are published in accordance thereto.

Resolved, That the four Acts named in the reports of the joint committee to ascertain what Acts went to the acting Governor, on and before 9th December, 1871, and were not returned, approved or vetoed by him, be sent to the office of Secretary of State with direction that they be published as laws of this General Assembly at its session in November and December, 1871.

Approved January 19th, 1872.

No. CCXXVII.

An Act creating commissioners for the county of McIntosh, to define their powers, duties, etc., and for other purposes.

SECTION I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, seven commissioners shall be, and they are hereby appointed, for McIntosh county, and that the following named persons are appointed as said commissioners: L. M. McIntosh, Richard M. Middleton, C. S. Langdon, Joseph Hilton, Joseph P. Gibson, Wm. R. Pritchard and Theodore P. Pease, with such powers as may be vested in them by this Act. Commissioners appointed.

SEC. II. That said commissioners shall hold their office for the term of four years, and in case of the death, resignation, or refusal of Term of office. of any of said commissioners to serve, the Governor of the State shall fill said vacancy for the unexpired term by appointment.

SEC. III. That said commissioners shall have in said county exclusive jurisdiction and control over the following matters, viz: Jurisdiction of commissioners.
1st. In directing and controlling all the property of the county as fully as said power was formerly possessed and exercised by law by the Justices of the Inferior Court. 2d. In levying a general tax for general, and a special tax for particular, county purposes, according to the provisions of the law in force. 3d. In establishing, altering, or abolishing all roads, bridges and ferries, in conformity to law. 4th. In establishing and changing election precincts and militia districts. 5th. In supplying by appointment all vacancies in county offices, and in ordering elections to fill them in the same manner as said powers are now given to the Ordinaries of counties. 6th. In examining, settling and allowing all claims against the county. 7th. In examining and auditing the accounts of all officers having the care, management, keeping, collection, or disbursement,

Powers of commissioners.

of money belonging to the county, or appropriated for its use and benefit, and in bringing them to a settlement. 8th. In making such rules and regulations for the support of the poor of the county, for the protection of the health of said county, and for quarantine, as are not inconsistent with law. 9th. In regulating peddling and fixing the cost of license therefor. 10th. To approve of all officers' bonds in said county, to deliver the commissions of said officers sent them by the Governor and to qualify said officers. 11th. Said commissioners shall be commissioners of pilotage for the port of Darien, and shall have exclusive right to exercise all the powers vested by law in said commissioners of pilotage. 12th. To appoint any person to discharge any trust authorized by their powers, where no other person is designated by law, and to regulate his compensation, and to take bond and security for the proper discharge of his duty.

Criminal Jurisdiction.

SEC. IV. That said commissioners shall be vested with the same criminal jurisdiction as is now vested in Justices of the Peace by the laws of this State.

Corporate powers of Darien vested in commissioners.

SEC. V. That said commissioners shall be vested with the full and exclusive authority and powers now vested (by law) in the corporate authorities of the city of Darien, and are hereby empowered to do all things authorized by law to be done by said corporate authorities.

May sit as a Court for county purposes.

SEC. VI. That a majority of said commissioners may sit at any time as a Court for county purposes, and for the exercise of any powers they possess under this Act.

Oath of commissioners.

SEC. VII. That immediately upon the qualification of said commissioners, (whose oath shall be that which was taken by the Justices of the Inferior Court,) there shall be turned over to them all books, papers, and property of the county of McIntosh and city of Darien, in the same manner and to the same extent to which the Justices of the Inferior Court of the county of McIntosh, and the corporate authorities of the city of Darien have been and are entitled by law to the possession and custody of the same.

SEC. VIII. Repeals conflicting laws.

No. CCXXVIII.

An Act to change the line between the counties of Carroll and Douglass, and to add a portion of the county of Douglass to the county of Carroll, and for other purposes therein named.

Line—how changed.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, That the line between the counties of Carroll and Douglass be changed as follows: Beginning at the north-east corner of fractional lot*

To amend the Code—Line between Upson and Pike.

number thirty-two, in the third district, of originally Carroll, thence running west to the northeast corner of land lot number two hundred and twenty-seven, in same district, thence running north to the northeast corner of land lot number two hundred and forty-nine, in the second district, of originally Carroll, now Douglass county.

SEC. II. Repeals conflicting laws.

No. CCXXIX.

An Act to repeal an Act entitled an Act to alter and amend section 4245 of Irwin's Revised Code by striking out of said section the words, "to work in a chain-gang on the public works," and for other purposes, approved October 27th, 1870.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That an Act entitled an Act to alter and amend section 4245 of Irwin's Revised Code, by striking out of said section the words, "to work on the chain-gang on the public works, and for other purposes," be and the same is hereby repealed.

SEC. III. Repeals conflicting laws.

CCXXX.

An Act to change the line between the counties of Upson and Pike, and for other purposes.

SECTION I. *Be it enacted*, That the line between the counties of Upson and Pike be so changed as to include the residence of Biggins Daniel, of Pike, in the county of Upson.

SEC. II. Repeals conflicting laws.

ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,

PASSED AT A SESSION, JANUARY, 1872.

COMPILED BY
DAVID G. COTTING,
SECRETARY OF STATE.

PUBLISHED BY AUTHORITY.

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“ II.—TAXES FOR 1872.

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PART I.---PUBLIC LAWS.

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TITLE I.

APPROPRIATIONS.

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SECTION.

7. Purchase of books for library.

8. E. P. Edwards and G. C. Edwards.

9. William F. Sears.

10. Repairs and insurance on public buildings.

11. O. R. Lane.

No. I.—(O No. 25.)

An Act for raising a revenue and to appropriate money for the use of the Government and to make certain appropriations, and for other purposes herein mentioned.

SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That the following sums of money be appropriated, and the same are hereby appropriated to the respective persons and objects hereafter mentioned, (to-wit:)

SEC. II. That the sum of twenty thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated as a contingent fund, and the sum of twenty thousand dollars or so much thereof as may be necessary, is hereby appropriated as a printing fund.

SEC. III. That the sum of three hundred and eighty thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated to pay the interest on the public debt.

Deficiency provided for.

Public
schools.

SEC. IV. That the Governor be authorised and directed to draw his warrant on the Treasurer of this State, in favor of the State School Commissioners for the sum of three hundred thousand dollars; and that said warrant when so drawn shall be paid out of the funds then in the treasury, appropriated by law to the public school system.

Deficiency
to be raised
by sale of
bonds.

SEC. V. That if the amount of funds in the treasury to the credit of the public school system, shall be insufficient to discharge the liability already incurred by the State, and now due to the officers and teachers of public schools, said amount shall be raised by a sale of the bonds now in the treasury of the State, under Act of July 16th, 1870, which the Governor is hereby authorized to make for said purpose: *Provided*, said bonds shall not be sold at rates injurious to the credit of the State which is hereby left to the discretion of his Excellency the Governor: *Provided*, no warrant shall be drawn or paid out of the taxes of 1872 accruing to the educational fund, and *Provided*, that the amount raised shall be paid into the treasury of the State, and be entered to the credit of the State, and be entered to the credit of each county in the proportion of the children of each county entitled to the privileges of the public schools, and the teachers of each county to whom money is due shall be paid out of the money to the credit of said county.

Secretaries
Executive
Departm't

SEC. VI. And that the sum of eighteen hundred dollars be appropriated to pay the salary of each secretary employed in the Executive Department.

Purchase
of books for
Library.

SEC. VII. And the sum of one thousand dollars for the purpose of purchasing books for the State library, the same to be expended under the direction of his Excellency the Governor, who is hereby authorized to draw his warrant on the Treasurer for the same to be paid out of any money in the treasury not otherwise appropriated.

Emory P.
Edwards.

SEC. VIII. That the sum of one hundred and sixty-eight dollars and seventy cents be appropriated to pay Emory P. Edwards for third quarter's salary as Solicitor General of the Northern Circuit, and the sum of two hundred and six dollars and ninety cents be and the same is hereby appropriated to George C. Edwards, Tax Collector of Lee county, for over-paid taxes.

George C.
Edwards.

William F.
Sears.

SEC. IX. That the sum of one hundred and seventy dollars and eighty-nine cents be appropriated to reimburse Wm. F. Sears, County Treasurer of the county of White, for the amount overpaid by him into the Treasury of the State, during the year 1867, and the Governor is hereby authorized to draw his warrant upon the treasury for the said sum, to be paid out of any money not otherwise appropriated.

Repairs
and insur-
ance on
public
buildings.

SEC. X. That the sum of twenty thousand dollars, or such part thereof as may be necessary, be and the same is hereby appropriated to pay for repairs and improvements on the Executive Mansion, and for insurance on the Capitol building and Executive Mansion, and improvements in the different public offices and furniture for the same, and for expenses of keeping the public property:

Specific taxes to be levied.

Provided, that the Governor shall not draw his warrant to pay any such accounts until he has carefully examined the accounts and vouchers submitted, and upon auditing the accounts and full inquiry, he shall be satisfied that the said accounts are just, and the charges made correct: *and, provided further*, that in case his Excellency the Governor shall find said claims, or any part thereof unjust, and shall refuse to draw his warrant for the same, that he be authorized to defend any legal proceedings that may be instituted touching the same. Proviso.

SEC. XI. That the sum of twenty-nine (\$29 00) dollars be, and the same is hereby appropriated to O. R. Lane for photographs of O. R. Lane. Jos. Fry, taken by order of the Attorney General, whilst a fugitive, charged with frauds against the State.

SEC. XII. Repeals conflicting laws.

Approved January 20th, 1872.

TITLE II.

TAX ACT.

SECTION.

1. Tax to the amount of \$500,000 to be raised.
2. Specific taxes to be levied—Specific taxes detailed.
3. Railroad companies.
4. Insurance companies.
5. Oath of tax payers.
6. Basis of valuation.

SECTION.

7. No tax on incomes.
8. Exemptions.
9. No professional taxes to be assessed for corporate purposes.
10. Shares of National Banks.
11. When returns shall be made.
12. To be collected.
13. Repealing clause.

No. II.—(O No. 3.)

An Act to levy and collect a tax for the support of the Government for the year 1872, and for other purposes

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it hereby enacted by authority of the same*, That his Excellency the Governor is hereby authorized and empowered, with the assistance of the Comptroller General, to proceed to assess and levy such a per centage on the taxable property as will produce, in the estimation of the Governor, the sum of five hundred thousand dollars exclusive of specific taxes. Governor, with Comptroller, to levy tax to amount of \$500,000.

SEC. II. That in addition to the *ad valorem* tax on real and personal property, as required by the Constitution, and assessed in the preceding section, the following specific taxes shall be levied and collected: 1st. Upon every keeper of a skating rink, the sum of fifty Specific taxes to be levied.
Skating rink.

Specification of taxes, etc.

Professional tax. 2d. Upon every practitioner of law, physic and dentistry, ten dollars. 3d. Upon every daguerrean, ambrotype and photographic, and similar artists, fifteen dollars. 4th. Upon every person carrying on auctioneering, twenty-five dollars. 5th. Upon every keeper of a pool or a billiard table kept for public play, twenty-five dollars for each table. 6th. Upon every keeper of a bagatelle table for public play, twenty-five dollars for each table. 7th. Upon every keeper of a ten pin alley or alley of like kind for public play, twenty dollars. 8th. Upon every keeper of any other table, stand or place, or any other game or play, with or without a name, unless for exercise or amusement not prohibited by law, ten dollars. 9th. That all vendors of any patent medicine, liniment or other article of like character (except regular merchants and druggists) shall be liable to a tax of fifty dollars for each county in which they may peddle. 10th. That each and every male inhabitant of this State, on the first day of April, between the ages of twenty-one and sixty, shall pay a tax of one dollar for educational purposes. 11th. That all sleight-of-hand performers or magicians, shall pay the sum of twenty-five dollars for each and every performance, in each and every county where they exhibit, to the county tax collector. 12th. That all circus companies shall pay one hundred dollars for each day they may exhibit in cities containing a population over ten thousand, and fifty dollars in cities containing a population between five and ten thousand, and twenty-five dollars in all towns or other places with a population under five thousand. 13th. That all shows or exhibitions, except for literary or charitable purposes in this State shall pay the sum of twenty-five dollars in each and every county where they may exhibit: *Provided*, that this shall not apply to histrionic, dramatic and other performances usual in theatres. 14th. On any person or company failing to, or refusing to pay the tax on shows and exhibitions required by this Act, it shall be the duty of the tax collector in each and every county, and he is hereby required to issue an execution against said persons or company so failing or refusing to pay said tax on shows and exhibitions, to be directed to and levied by any sheriff or constable of said county, upon any and all of the property that may be found and belonging to said person or company, and all money so collected shall be paid into the treasury of the State for educational purposes.

Railroad companies SEC. III. That all railroad companies incorporated in this State shall pay an annual tax of one half of one per cent. on their net earning.

Insurance companies SEC. IV. All home and foreign insurance companies doing business in this State, shall pay one per cent. on all premiums in money or otherwise received by them: *Provided*, that when a home insurance company pays its tax on its capital stock, it shall pay no tax on its premiums; and all agents of express companies, from other States, doing business in this State shall pay a tax of one per cent. on the

Oath of tax payers, etc.

gross amount of their receipts at their offices in this State, to be given in and paid as in succeeding sections; and that all domestic express companies doing business in this State, pay an annual tax of one half of one per cent. on their respective incomes: *Provided*, that the taxes assessed by the above sections on insurance companies are subject to modification by subsequent legislation of this General Assembly. Provide.

SEC. V. That the oath to be administered to all persons making returns of their taxable property shall be in the words following: Oath of persons making returns.
 “You do solemnly swear that you will true answers give to all lawful questions which I may put to you touching the return that you are about to make, and that you will make a true return of all your taxable property—so help your God?” And it shall be the duty of the officer taking such return, to inquire of each and every person, taking said oath, touching all of his taxable property, or his liability for specific taxes, as named in this Act; and the Comptroller shall publish a list of all questions to be propounded to tax payers.

SEC. VI. That all taxes assessed under this Act shall be collected in United States currency; and the value of the property on the first day of April next shall be the basis of the taxes. Basis of valuation.

SEC. VII. That there shall be no tax on income other than that provided by sections three and four. No tax on incomes.

SEC. VIII. That nothing in this Act contained shall be so construed as to repeal or affect section 796 of the Revised Code of Georgia, exempting certain property from taxation: *Provided, however*, that all plantation tools, and also, all mechanical tools, over the value of three hundred dollars, shall be subject to taxation *ad valorem*. Property exempt from taxation. Provide.

SEC. IX. That no assessment shall be made for corporation or county purposes on the specific tax herein imposed on practitioners of law, physic and dentistry: *Provided*, this section shall apply to all who practice and charge for the same. No assessment to be made on professional taxes.

SEC. X. All shares in any national bank in this State shall be given in by the individual or corporation owning the said shares, which shall be taxed as other property of this State of like character. Shares of National Banks.

SEC. XI. That the Comptroller General is authorized and empowered to order the tax receivers of this State to commence receiving the returns of taxable property immediately after the first of April, for the year 1872. Returns receivable after April 1st, 1872.

SEC. XII. That the Comptroller General is empowered and required to cause the taxes to be collected by the fifteenth of December next. To be collected by 15th Dec. next.

SEC. XIII. That all laws and parts of laws in conflict with this Act, and all laws and parts of laws imposing any specific tax, whether in conflict with this Act or otherwise be, and the same are hereby repealed. Repealing clause.

Approved January 19th, 1872.

How bonds and coupons shall be executed.

TITLE III.

REDEMPTION OF STATE BONDS.

SECTION.

1. Governor to issue bonds for redemption of maturing State bonds.
2. How bonds and coupons shall be executed.

SECTION.

8. Loan to pay interest on bonds issued before June, 1868.

No. III.—(O No. 2.)

An Act to provide for the exchange or redemption of the bonds of the State of Georgia, and for the payment of the interest due thereon.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That his Excellency the Governor, be authorized to issue bonds of this State to the amount of seven hundred thousand dollars, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and having twenty years to run; said bonds to be used in funding, by exchange or redemption, the State bonds maturing and falling due in the year 1872.

Govern'r to
issue bonds
to redeem
State bonds
about to
mature.

Bonds and
coupons—
how exe-
cuted.

SEC. II. That said bonds, so issued, shall be signed by his Excellency the Governor, and the Secretary of State, and the coupons attached thereto shall be signed by the Treasurer of the State, and said bonds, so issued, shall be registered in the offices of the Secretary of State and Treasurer.

Govern'r to
negotiate
loan to pay
interest on
bonds is-
sued before
June, 1868.

SEC. III. That his Excellency the Governor be, and he is hereby authorized to negotiate a temporary loan, in a sum not exceeding three hundred thousand dollars, upon the best terms possible, for the purpose of paying off the interest due upon the bonds of the State, issued before the first day of June, 1868, which said sum of money negotiated shall be paid back out of the moneys received from the taxes paid into the treasury during the year 1872.

SEC. IV. Repeals conflicting laws.

Approved January 18th, 1872.

Various sections amended.

TITLE IV.

PUBLIC INSTRUCTION.

SECTION.

1. 5th section of Act of 1870 amended.
2. 12th section amended.
3. 15th section repealed.
4. 16th section repealed and substitute therefor.
5. 18th section amended.
6. 19th and 20th repealed and substitute therefor.
7. Part of 21st section repealed and addition thereto.
8. Section 23 amended.
9. Sections 25 and 26 repealed, and substitute therefor.
10. Section 27 amended.

SECTION.

11. Sections 28, 29, 30, 31, 32, 33 and 34 repealed.
12. 35th section amended—Section 37 repealed.
13. 40th section amended.
14. 41st section amended.
15. 42d section amended.
16. Additional sections.
17. Counties and cities may organize independent school systems.
18. 43d section amended.
19. Part of section 14 stricken out.
20. Section 22 amended.

No. IV.—(O No. 7.)

An Act to amend an Act entitled "an Act to establish a system of Public Instruction," approved October 13th, 1870, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the word "State" in the first and fourth lines of the fifth section of said Act be stricken therefrom, and the word "county" be substituted in the place thereof. Word State stricken out and county substituted.

SEC. II. That the word "trustees" in the fifth line of the twelfth section of said Act be stricken therefrom. "Trustees" stricken out.

SEC. III. That all of section fifteen, after the words "board of education" in the fifth line of said Act be, and the same is hereby repealed. Part of section 15 repealed.

SEC. IV. That section sixteenth of said Act be, and the same is hereby repealed, and the following section substituted in place thereof; "That the grand jury of each county in this State shall, at the first session after the passage of this Act, select from the citizens of their respective counties five freeholders, who shall constitute the county board of education, three of whom shall be elected for two years, and two for four years, but all of whom after the first election shall hold for the term of four years; that said county board of education shall, from their own number, or from the citizens of the county, select a secretary, who shall be *ex officio* the county commissioner of education, and shall hold his office for the term of four years; that the Judges of the Superior Courts of this State shall have power to fill vacancies in the county boards of education for the counties composing their respective judicial circuits, until the next

Section 16 repealed, and substituted.

session of the grand juries in and for said counties, when said vacancies shall be filled by said grand juries."

Section 18 amended.

SEC. V. That section eighteen of said Act be amended by making the following addition thereto: "That said county board of education shall not remain in session longer than one day at its meetings, and each member of said board shall receive such sum not exceeding two dollars for said day's service, as the grand jury at the time of selecting commissioners shall determine; that said board may be called together by its president in case of a vacancy in the office of Secretary, for the purpose of filling said vacancy, and at such called meeting each member shall receive the same compensation as at regular meetings; that said board may hold other meetings than those above provided for, but the members thereof shall receive no compensation therefor; that the compensation above provided for shall be paid out of the county educational fund."

Sections 19 and 20 repealed and substitute therefor.

SEC. VI. That sections nineteen and twenty of said Act be, and the same are hereby repealed, and the following section substituted in place thereof: "That the county boards of education first constituted under this Act shall, at their first meeting, proceed to carefully lay out and describe sub-districts throughout their respective counties. The said board and their successors in office shall prepare or cause to be prepared, a map of their districts, as often as they may deem necessary, on which shall be designated the sub-districts of their districts, which they may change or alter at any regular session, and the number of scholars assigned to each; it shall be the duty of the board to establish a school in each sub-district of such grade as the public good, in their opinion, may require; and in the location of primary schools, or schools of higher grade, the board shall have reference to population and neighborhood, paying due regard to any school-house already built, or site procured, as well as to all other circumstances proper to be considered, so as to promote the best interests of the school; that said boards shall be, and are hereby invested with the title, care and custody of all school-houses, sites, school libraries, apparatus or other property belonging to the district as now organized, or which may be hereafter organized within the limits of their jurisdiction, with all power to control the same in such manner as they think will best subserve the interest of common schools and the cause of education; and when in the opinion of the board any school-house site has become unnecessary, they may sell and convey the same in the name of the county board of education, such conveyance to be executed by the president and secretary of said board; they shall have power to receive any gift, grant, donation or devise made for the use of schools within their jurisdiction, and all conveyances of real estate which may be made to said board, shall be to said board of education and their successors in office."

Part of section 21 repealed and addition to section.

SEC. VII. That all of section twenty-one of said Act, commencing with the word "and," in the seventh line of said section, and ending with the word "act," in the eleventh line be, and the same is hereby

Other sections amended.

repealed. That the following addition be made to said section: "That it shall be the duty of said boards of education, in their respective districts, to make all necessary arrangements for the instruction of the white and colored youths of said districts in separate schools; they shall provide the same facilities for each, both as regards school-houses and fixtures, attainments and abilities of teachers, and length of term time, but the children of the white and colored races shall not be taught together in any school of this State."

SEC. VIII. That section twenty-third of said Act be amended by the following additions thereto: "That pending such appeal or appeals, such persons shall not be allowed to discharge the duties of teacher." Section 23 amended.

SEC. IX. That sections twenty-five and twenty-sixth of said Act be, and the same are hereby repealed and the following substituted in place thereof: "That said county commissioners shall constitute the medium of communication between the State school commissioner and subordinate school officers and the schools. They shall visit the schools of their respective districts as often as they may deem necessary during each term, but they shall visit each school in their respective districts at least twice each year, for the purpose of increasing their usefulness, elevating, as far as practicable, the poorer schools to the standard of the best, advising and securing, as far as practicable, uniformity in their organization and management, and their conformity to the law, regulations and instructions of the State school commissioner; they shall take or cause to be taken, annually, between the first and fifteenth of October, in each year, an enumeration of all the unmarried white and colored youths, noting them separately, between the ages of six and eighteen years, residents within the said school districts, designating between male and female; they shall, on or before the first day of November, in each year, make out and forward to the State school commissioner, enumeration and other reports, including all the necessary data and information in reference to private schools, high schools, colleges and other institutions of learning within their respective districts, in order to present a correct view of the educational facilities; they shall provide the most approved school furniture, apparatus and educational agencies, and shall furnish teachers with regular forms, blanks, instructions, regulations and reports, issued from the department of education." Sections 25 and 26 repealed and substitute.

SEC. X. That the 27th section of said Act be amended as follows: That the words "three dollars" in the 2d line of said section be stricken therefrom, and the following words be substituted in lieu thereof: "not less than three nor more than five dollars," to be determined by the county board of education. That the following words be added to said section "and that if said county commissioner be a member of the county board of education, he shall receive no compensation as a member of said board." Section 27 amended.

SEC. XI. That sections 28, 29, 30, 31, 32, 33 and 34 of said Act be and the same are hereby repealed. Sections repealed.

Further amendments.

Section 35 amended. SEC. XII. That the words "trustees of said sub-district," in the 9th line of the 35th section of said Act, be stricken therefrom, and the words "county commissioner" be inserted in lieu thereof; that the words "trustees," in the 12th line of said section, be stricken therefrom, and the words "county commissioners" inserted in lieu thereof; that section 37 of said Act be and the same is hereby repealed.

Section 37 repealed.

Section 40 amended. SEC. XIII. That the words "and local trustees of any sub-district" in the second and third lines of the 40th section of said Act be stricken therefrom; that the words "or the local officers of any sub-district" in the 8th line of said section, be stricken therefrom; that the word "three" in the sixth line of said section be stricken therefrom, and the word "six" be inserted in lieu thereof, that all of said section after the word "school year," in the 13th line of said section, be repealed, and the following be substituted in lieu thereof, "or subsequent school years until the establishment of such school or schools, but such fund shall remain in the treasury of the State of Georgia."

Section 41 amended. SEC. XIV. That section 41 of said Act be and the same is hereby amended by striking therefrom the words "at the close of each fiscal school year" and inserting in lieu thereof, the following words "on or before the 15th day of December of each and every year;" that all of said section after the word "same," in the 7th line of said section be and the same is hereby repealed, and the following substituted in place thereof, "upon order of the county board of education, countersigned by the county commissioners."

Section 42 amended. SEC. XV. That the words "two" in the 5th line of the 42d section of said Act be stricken therefrom, and the word "three" inserted in lieu thereof; that all of said section between the word "schools," in the 8th line of said section, and the word "sub-districts," in the 11th line of said section, be and the same is hereby repealed; that the word "two" in the 12th line of said section be stricken therefrom, and the word "three" inserted in lieu thereof.

Additional sections. SEC. XVI. That the following sections be added to said Act: That it shall be the duty of the State school commissioners immediately after the adjournment of this General Assembly, to send to the Ordinary of each county in this State a correct statement of the fund standing to the credit of his county in the treasury of the State for educational purposes, who shall place this statement before the county board of education at its first meeting after the election of the members thereof; that said county board of education shall make an estimate of the amount necessary in addition to what will be received from the State, to carry on said schools for at least six months in the year, which estimate said board shall place before the grand jury of the county at its next session, and said grand jury may if they approve said estimate authorize the Ordinary or County Commissioner in such county to levy a county tax sufficient to raise the required sum.

SEC. XVII. That nothing in the above recited Act or in this

Part of section fourteen stricken out.

Act amendatory thereof, shall be so construed as to prevent any city Counties and cities with a population of exceeding five thousand inhabitants, or any county under authority from the General Assembly of this State, may organize a public school system independent of this system, ^{may organize school system independently.} or to prevent the said independent organization from drawing its *pro rata* share of all educational funds raised by the State: *Provided*, ^{Proviso.} the chief executive officer of such independent organization shall make the same regular reports to the State school commissioner as are required from the county commissioners by the above recited Act, and this amendatory Act.

SEC. XVIII. That the 43d section of said Act be amended by inserting after the word "fund" in the 10th line of said section the following additional clause, and when said common school fund shall be received and receipted for from whatever source received, it shall be the duty of the officers authorised by law to receive such fund, to keep the same separate and distinct from the other funds, and said funds shall be used for educational purposes and none other, and shall not be invested in bonds of this State. ^{Section 43 amended.}

SEC. XIX. That all of section 14th of said Act, after the words "State board of education," in the 9th line of said section be stricken ^{Part of sec. 14 stricken out.} therefrom.

SEC. XX. That section 22d of said Act of October 13th, 1870, be so amended as to include just after the words "orthography, reading, writing, arithmetic, English grammar and geography" in said section the words "or such of said branches as in the discretion of said board may be required in the sub-districts in which the applicant desires to teach." And it shall be the duty of said board to specify in the certificate the district in which such applicant is to teach and the certificate of such an applicant shall not authorize him to teach in any other sub-district. ^{Section 22 amended.}

SEC. XXI. Repeals conflicting laws.

Approved January 19th, 1872.

TITLE V.

FILLING VACANCIES IN OFFICES.

SECTION.

1. During recess of Legislature Governor to fill vacancies by appointment.
2. And all existing vacancies.

No. V.—(O No. 9.)

An Act to provide for filling vacancies under the 4th clause of the 2d section of the 4th Article of the Constitution of this State.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in case of a vacancy, from any cause, in any office, the full term of which, by the Constitution, is to be filled by the Governor, with the advice and consent of the Senate, it shall be the duty of the Governor to appoint and commission some qualified person to supply it until the next meeting of the General Assembly, when said vacancy shall be filled in the same way and manner described in the Constitution for filling the full term of such office.

Govern'r to
appoint to
fill vacan-
cies until
next meet-
ing of Leg-
islature.

SEC. II. That all existing vacancies and all vacancies which may hereafter occur during the session of the General Assembly, or may then exist, as are provided for in said clause, section and Article of the Constitution, shall be filled in pursuance of the provision of this Act, any law to the contrary notwithstanding.

Existing
vacancies
to be filled
by Gover-
nor's ap-
pointment

SEC. III. Repeals conflicting laws.

Approved January 19th, 1872.

Unlawful to sell office.

TITLE VI.

PURCHASE AND SALE OF OFFICES.

SECTION.

1. Unlawful to sell office or divide profits thereof.
2. Punishment therefor.

No. VI.—(O No. 18.)

An Act to prevent the purchase and sale, or farming out, offices in this State.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, it shall not be lawful for any person or persons who have been, or may hereafter be elected to any office in this State, to sell or farm out any office to which they have been or may hereafter be elected; nor shall it be lawful for any person or persons to purchase or agree to give any money or other thing of value to a person elected for the privilege of exercising the duties of said office; nor shall it be lawful for any person or persons to promise or agree to divide the profits, fees or emoluments of said office with the person so elected.

SEC. II. That any person or persons who shall violate the provisions of the above section shall be guilty of a felony, and on indictment and conviction shall be punished by confinement and labor in the penitentiary for a term not less than one year, nor longer than three years.

SEC. III. Repeals conflicting laws.

Approved January 20th, 1872.

TITLE VII.

SUPERIOR COURTS.

SECTION.

1. Times of holding Courts in Catoosa, Gordon, Bartow, Murray, Dade, Whitfield counties.
2. Provision relative to Bartow, Gordon and Whitfield counties.
3. Processes of Courts.

MILLER SUPERIOR COURT.

1. Adjournment legalized.

TO CHANGE TIME OF HOLDING CAMDEN AND CHARLTON SUPERIOR COURTS.

SECTION.

1. Act relative to Charlton and Camden Courts repealed.
2. Time for holding Superior Courts in said counties.
3. Time for holding Superior Court in Dooly county.

No. VII.—(O No. 20.)

An Act to change the time of holding the Superior Courts of the Cherokee Circuit.

Times of holding Courts.

Catoosa.

Gordon.

Bartow.

Murray.

Dade.

Whitfield.

Provision relative to Bartow, Gordon and Whitfield.

Processes of Courts.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That from and after the passage of this Act, the times of holding the Superior Courts of the Cherokee Circuit shall be as follows: The Superior Courts of the county of Catoosa shall be held on the first Mondays in February and August of each year. The Superior Courts of the county of Gordon shall be held on the second Mondays in February and August of each year. The Superior Courts of the county of Bartow shall be held on the first Mondays in March and September of each year. The Superior Courts of the county of Murray shall be held on the third Mondays in March and September of each year. The Superior Courts of the county of Dade shall be held on the fourth Mondays in March and September of each year. The Superior Courts of the county of Whitfield shall be held on the first Monday in April and October of each year: *Provided,* that this Act shall not go into effect in the counties of Catoosa and Gordon until after the time for holding the Spring Terms of the Superior Courts for said counties shall have passed.

SEC. II. That all provisions now of force, allowing more than one week for holding the Courts of the counties of Bartow, Gordon and Whitfield, and the drawing separate panels of jurors for the different weeks, shall continue of force.

SEC. III. That all writs, subpoenas and other process already issued, returnable to said Courts as now established, shall be held returnable to the times as changed by this Act.

SEC. IV. Repeals conflicting laws.

Approved January 20th, 1872.

Miller and Camden Courts.

No. VIII.—(O No. 22.)

An Act to legalize the adjournment of Miller Superior Court.

SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same, That the adjournment of Miller Superior Court, from the third Monday in January, 1872, until Friday before the second Monday in April thereafter be, and the same is hereby legalized.* ^{Adjournment legalized.}

SEC. II. Repeals conflicting laws.

Approved January 20th, 1872.

No. IX.—(O No. 28.)

An Act to repeal an Act to change the time of holding the Superior Court in the county of Camden, approved December the 13th, 1871, also to repeal an Act entitled an Act to fix the time of holding the Superior Court for Charlton county, approved December 13th, 1871, and to fix the time for holding the Superior Courts in said counties. (And in the counties of Dooly and Irwin.)

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That the Act entitled an Act to fix the time for holding the Superior Courts for Charlton county, approved December 13th, 1871, also an Act entitled an Act to change the time for holding the Superior Courts in the county of Camden, approved December 13th, 1871, be and the same is hereby repealed.* ^{Act relative to Charlton county repealed. Camden county.}

SEC. II. That the time of holding the Superior Courts of the county of Camden shall be on the fourth Wednesdays of April and October of each (and every) year; that the time for holding the Superior Courts of the county of Charlton shall be the Mondays after Camden Superior Courts of each year. ^{Time for holding Superior Courts in said counties.}

SEC. III. That the Superior Courts of the county of Dooly shall be held on the third Mondays in March and September, and of the county of Irwin, Friday after fourth Mondays in March and September in each and every year. ^{Dooly county.}

SEC. IV. Repeals conflicting laws.

Approved January 20th, 1871.

Certain counties exempted.

TITLE VIII.

COUNTY COURTS.

SECTION.

1. Judges to be appointed by the Governor, with the advice of the Senate—Counties excepted—Qualifications of Judges—Term of Office—Vacancies—Salary—Ordinary to levy tax to pay salaries.
2. Jurisdiction.
3. Suits, how commenced—Continuances—Summons.
4. Judge to appoint bailiff—Bailiff to give bond.
5. Trial and proceedings—Appeals—*Certiorari*.
6. Executions—Claims—Affidavits of illegality.
7. Judge may compel attendance of witnesses—May punish for contempt.
8. Tenants holding over—possessory warrants, etc.
9. Fees and costs.
10. Judge to keep a docket of civil cases.
11. Powers in criminal cases—Bail cases less than felonies—Continuances, Juries, how drawn and summoned—Challenges—Tales Jurors—Trial, conviction and sentence.

SECTION.

12. Offenses when no indictment is demanded—Defendant to plead or demur to accusation—Insufficiency of accusation—Trial.
13. Costs, how assessed—Bailiff's fees, Insolvent costs—Forfeiture of bonds.
14. *Certiorari* in criminal cases—Proceedings in such cases.
15. Judge to keep criminal docket; may punish offenders for contempt; cases brought before Justices of the Peace to be turned over to County Judge.
16. Sales on execution by bailiffs.
17. Laws applicable to Justices of the Peace part of this Act.
18. Proceedings may be revised by Judge of Superior Court; new trial may be granted.
19. County Judge may direct processes to sheriff or other officers.
20. Must keep his office at county site.
21. Powers of Inferior Court vested in County Judge.
22. Certain cases to be transferred from Superior to County Judge.

No. X.—(O No. 8.)

An Act to create a County Court in each county of the State of Georgia, except certain counties therein mentioned.

County
Judges—
how ap-
pointed.

Counties
excepted.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the Governor of the State of Georgia, by and with the advice and consent of the Senate, shall appoint for each county in said State of Georgia, except the counties of Haralson, Pickins, Pike, Cobb, Dawson, Forsyth, White, Walton, Bulloch, Paulding, Effingham, Montgomery, Charlton, Telfair, Clinch, Coffee, Irwin, Sumter, Wilkinson, Gilmer, Appling, Fannin, Jefferson, Colquitt, Worth, Mitchell, Emanuel, Johnson, Glascock, Fayette, Union, Franklin, Chatham, Tattnall, Harris, Chattooga, Wilcox, Talbot, Ware, Bartow, Cherokee, DeKalb, Banks, Pierce, Towns and Milton, a suitable person, not less than twenty-five years of age and a resident of the county for which appointed one year immediately before his appointment, to act as a

Jurisdiction.

County Judge, to have such jurisdiction as shall be hereinafter set forth; said person so appointed and confirmed, to act as such County Judge for four years from the time of receiving his commission, to be delivered to him by the Governor aforesaid, and qualifying there-
Qualifica-
tions.
under and to continue in office until his successor is appointed, com-
missioned and qualified, in the same way; so long as this Act re-
mains in force, the said office of County Judge shall be filled as
above, and the term of office is for four years. If a vacancy occurs
Term of
office.
Vacancies,
how filled.
after the first appointment, from any cause, in said office of County
Judge, the Governor of the State, for the time being, shall fill the
same as in case of Judges of the Superior Court, and shall also sub-
mit his appointments for confirmation to the Senate, as in case of
Superior Court Judges, and all the rules of law and requirements of
the Constitution now in force as to the appointment of Judges of the
Superior Court, shall apply to the said appointment of County Judges,
so far as the same can be applied under this Act. Said County Judge
when so appointed and commissioned, shall receive a salary as follows:
Salary.
The grand jury of each county at its Spring Term shall, after a care-
ful examination, assess and declare what amount shall be paid to
said County Judge for his services as Judge in criminal matters, and
for his services in attending to such county business as may be en-
trusted to him by this Act, said sum so assessed to be levied by the
Ordinary of each county, as provided in this section; and theordi-
nary of each of said counties, when he levies the tax for county pur-
poses shall, at the same time, levy the sum aforesaid hereby allowed
Ordinary to
levy tax to
pay salary
of Judges.
to the County Judges, which shall be collected with the other county
taxes, and after being paid over to the county treasurer of each coun-
ty, paid over to said (County) Judges; and if any of said County
Judges shall die or resign his office, or be otherwise removed from
office, then such *pro rata* part of his aforesaid salary shall be paid
him as he is justly entitled to: *Provided, however*, that this Act shall
Proviso.
not take effect so as to allow a County Judge to be appointed for any
county until the grand jury thereof shall, by a majority, so recom-
mend.

SEC. II. That the said County Judges shall have jurisdiction in
all civil cases, matters of contract and of tort, (except where by the
Constitution an exclusive jurisdiction is given to the Superior Courts
of this State), where the principal sum in cases of contract, and where
the damage claimed in cases of tort does not exceed one hundred dol-
lars; but in cases where said principal sum so claimed, or damage,
is more than fifty dollars, there may be an appeal to the Superior
Court, as hereinafter provided. Any person desiring to bring his
claims within the jurisdiction of the County Judge, may do so by re-
mitting or releasing so much of his claim as will bring it within the
jurisdiction aforesaid of the County Judge. The said County Judge
shall have jurisdiction according to the rule above laid down, over
the county for which he is appointed, and may hold his Courts at
the Court-house or any other place in said county.
Jurisdic't'n

Judge to appoint bailiff, etc.

Suits—how commenced. SEC. III. All suits in the civil matters above set forth, before the County Judge, shall be commenced by a summons, to be issued and signed by him, stating the nature of plaintiff's demand, as in the summons of magistrates, and commanding the party complained of, or defendant, to appear at a certain time and place in the county for which he is appointed, specified in the summons, which shall be trial or judgment term to answer the plaintiff's demand, unless the case is continued, which may be allowed for the same ground and on same terms as cases are continued in the Superior Courts of this State, for a period not exceeding ten days; said summons may be answered to and defended as suits in the Justice Court by defendant, and either party may amend his pleadings in accordance with the general law of amendment and the nature of the proceedings; said summons shall bear date fifteen days before the time of trial or judgment and be served ten days before the same time, if the principal sum or damage aforesaid claimed does not exceed fifty dollars, and said summons shall bear date twenty days before said term of judgment and be served fifteen days before the same, if the principal sum or damage aforesaid claimed does not exceed fifty dollars and is not more than one hundred dollars.

Continuances.

Date and service of summons.

Judge to appoint bailiff. SEC. IV. Said County Judge may appoint an officer to serve all processes issued by him, and all his writs, and execute all orders issued by him from the resident citizens of the county where he is to act, to be called bailiff; at any time taking from him the same kind of a bond and security as is required of constables, except it shall not exceed the sum of two hundred dollars, and administering to him the same oath administered to constables. In cases of emergency, when more than one bailiff is necessary to attend to the business of the County Judge, or there is no regular bailiff, or he is sick, or absent, or for any other reason he cannot conveniently attend, said County Judge may appoint, by order on his docket, a special bailiff, without taking from him bond and security, but in all cases requiring the usual oath administered to constables. These bailiffs, when appointed, shall have the same authority to serve processes, summons, orders and other legal papers of the County Judge over the entire county in which the County Judge has jurisdiction, as constables have in their several districts, and shall, for the county in which they are appointed, have all the rights of a constable and be liable to perform all the duties of a constable.

Bailiff to give bond and take oath.

Special bailiffs.

Trial of cases and mode of procedure SEC. V. When the time as specified in section 3d of this Act shall have arrived for the hearing, trial and judgment of the cases specified, said County Judge shall proceed to hear and determine the cases as above set forth, as Justices of the Peace hear and determine matters submitted to their jurisdiction, unless the case is continued, as above prescribed in section 3d of this Act, and if either party is dissatisfied with the judgment of the County Judge, and the principal sum claimed, or damages claimed, exceeds fifty dollars, said party may enter an appeal from such judgment within four days, under the

Appeals in cases over \$50.

Executions, etc.

same rules as existed before the Constitution of 1868, in relation to appealing cases in the Superior Court; when such appeal is entered said County Judge shall transmit the same, and all papers connected with the case appealed, to the Clerk of the Superior Court of the county in which the case was tried, at least five days before the next term of the Superior Court, there to be tried and disposed of as appeals were before the Constitution of 1868; and if the judgment of the County Judge has been rendered in a case where the principal sum or damage claimed does not exceed fifty dollars, either party may sue out a *certiorari* to his judgment in conformity with the Constitution of 1868 and the Code regulating *certioraries*, and in his petition for *certiorari* may state all the decisions and judgments complained of as erroneous from the beginning to the end of the case. All the rules provided in the Code of Georgia for preparing, answering, hearing and disposing of *certioraries* from Justice Courts not in conflict with the Constitution of 1868, shall apply to the said *certioraries* sued out to the decisions of judgments of the County Judge, which may be disposed of by the Judge of the Superior Court in vacation or at the regular term of the Superior Court in accordance with said Code.

Certiorari
in cases
under fifty
dollars.

SEC. VI. Whenever an execution shall be issued by said County Judge which he is hereby compelled to do upon his aforesaid judgments, and which may be done as soon as judgment is entered, unless an appeal is taken or *certiorari* sued out as above provided, the same to be in the usual form issued by Justices of the Peace, and shall be levied on property to which a legal claim is asserted; said claim shall (conforming to the law regulating claims as provided in section 4100 and 4101 of the Code) be disposed of by said County Judge, instead of the jury required in said section 4101, but the same right of appeal and *certiorari* shall exist as in the cases above provided in section 5, and if any affidavit of illegality is taken to the proceedings of said County Judge to the execution of his judgment and orders, the same shall be returned to him for disposition as cases of illegality and returned to the Superior Court with the same right of appeal and *certiorari* as is allowed above in claims and other cases; no claim case or illegality shall be disposed of until the County Judge has given ten days, notice of the time and place of hearing the same, to the parties interested or their agent or attorneys at law.

Claims—
how dis-
posed of.

Affidavits
of illegality

SEC. VII. The County Judge herein created shall have the same power to procure testimony from witnesses in his county (to compel production of papers) and the same power to procure testimony by interrogatories and commission as Judges of the Superior Courts, and shall have the same general power to issue any notice, writ, order and processes necessary to dispose of matters pertaining to his jurisdiction as are granted to Judges of the Superior Courts in their jurisdiction, and shall be allowed to exercise the same authority as to contempts of officers and others, by fining, not exceeding \$100 00, and imprisoning not exceeding ten days, and whatever imprisonment

Judge to
have power
to compel
attendance
witnesses
and pro-
duction of
papers.

Power as to
contempts.

is inflicted by said County Judge, or shall be necessary to enforce his orders and sentences, shall be in the county jail of the county in which he is Judge, over which, to the extent of his jurisdiction, he shall have as much control as a Judge of the Superior Court.

Tenants holding over and possessory warrants and other powers.

SEC. VIII. Besides the civil cases and matters above mentioned, which may be disposed of by the County Judge, said County Judge shall have jurisdiction to hear and determine according to law all applications for eviction of intruders, tenants holding over, or the partition of personal property for the trial of possessory warrants, to issue and dispose of distress-warrants, to issue attachments, garnishments, to foreclose mortgages of personal property, liens, to attest deeds and other contracts for registry, to administer oaths of all sorts, to exercise the same power as was given to the officer known as the County Judge by the Act of 1865 and 1866, in relation to attesting, approving, enforcing and setting aside Court contracts, as described in Irwin's Revised Code, in relation to all the matters embraced in this section, and not falling under former provisions of this Act. The said County Judge shall allow parties interested to file their defense, in writing, under oath, as all defenses in all cases before the County Judge of a civil nature must be filed, and proceed to give judgment only when such notice and opportunity for defense is offered, and the same rights of "*certiorari*" shall exist as to these subjects of the County Judge's jurisdiction as to other civil cases above enacted in section five and six, and the same rights of appeal when the remedy by appeal is applicable, shall exist in relation to these matters as is provided in section five and six of this Act.

Defenses.

Fees and costs.

SEC. IX. The cost of proceedings in civil cases before the County Judge shall be the same as in Justices' Courts, and for other matters herein submitted to him the fees and costs shall be the same as are provided in section 313 of Irwin's Code, and if no provision is made under said section, then such fees and costs as shall be assessed for his services by a Judge of the Superior Court.

Docket to be kept of civil proceedings.

SEC. X. Said County Judges shall each of them keep a docket of his civil proceedings, such as is required by law of Justices of the Peace, and shall also carefully file away and preserve all the legal papers connected with such proceedings, so that the same may be used in other Courts and by parties interested.

Powers in criminal cases.

SEC. XI. Said County Judges after being duly commissioned and qualified shall each for the county over which he is such County Judge, also have jurisdiction and authority as Justices of the Peace in this State upon affidavit made before them to issue criminal warrants—to be in the form both as to affidavits and warrants prescribed in section 4618 and 4619 of the Code, against all persons accused of crimes and misdemeanors. In cases which, upon an examination—which examination they are hereby authorized to make—appear to be felonies, said County Judges shall commit the party accused to jail for safe keeping, so that his presence may be secured for trial before the proper tribunal unless the case be bailable by a Justice of the Peace,

Fees, costs, etc.

when the accused may upon complying with the law respecting bail be bound over to appear before the proper Court for the trial of such a case and answer to the matters charged against him. If the felony be bailable, as aforesaid, and defendant cannot give the bail, said County Judge shall commit him to jail for safe keeping, so that his presence may be secured for trial before the proper Court to try such cases; and said County Judge, when the felony brought before him is bailable as above, shall have the right to admit to bail at any time until the Court which has jurisdiction of felonies shall meet. In cases which do not, upon examination, appear to be felonies, said County Judges shall have full authority and jurisdiction, as hereinafter provided, to hear, determine, sentence, decide and adjudicate upon the same, and to the same extent as the District Judges, under the Act of 1870, organizing for certain districts therein named District Courts, unless the party accused shall, in a writing, signed by him, demand an indictment by a grand jury of the county in which the misdemeanor was committed. In that case, said County Judge shall require of defendant demanding such indictment good bond and security to appear and answer to such indictment, if found at such time and place, and before such tribunal as the said indictment may be tried. If no such bond and security is given, then said County Judge shall commit to jail for safe keeping the person so accused and demanding an indictment until the proper grand jury can act upon the charge, and until the case can be legally determined. If an indictment is found by said grand jury, the Judge of the Superior Court may, if he chooses so to do, order said indictment to be returned, with all the papers pertaining to said case, to the County Judge, to be disposed of by him after ten days' notice to the parties accused and the prosecutor, as others are disposed of by him in which no indictment has been demanded. In cases which do not appear to be felonies, and in which no indictment is demanded by the parties charged with misdemeanors, and in cases of misdemeanors upon which an indictment has been found and returned to the County Judge for trial, said County Judge shall immediately proceed to hear and determine said cases, unless a continuance shall be asked for, or jury is demanded as hereinafter provided; which continuance, if it falls within the rules for the continuance of criminal cases in the Superior Court, shall be granted to such time as is proper and just under the circumstances. If parties accused shall not ask a continuance, or shall be refused a continuance, and shall demand a jury to try their case instead of the County Judge, then the case shall be postponed until a jury can be summoned for such trials, and jurors shall be thus procured: Said County Judge shall, from the list of persons liable to do jury duty in the county wherein he presides, make a list, and putting their names in a box kept for that purpose, drawn by lot the names of twelve jurors, who shall be summoned by the same bailiff already provided for in this Act, (he being hereby fully authorized to execute all warrants, orders, writs and precepts

Bail in
criminal
cases.Cases not
felonies.Continu-
ances.Juries, how
drawn.How sum-
moned.

Offenses when no indictment is demanded, etc.

Peremptory
challenges
not allowed

Tales
jurors.

Conviction
and
sentence.

Decision
may be re-
viewed by
certiorari.

Offenses
when no in-
dictment is
demanded.

Defendant
to plead or
demur to
accusation

If the ac-
cusation is
insufficient

Trial in
criminal
cases.

relative to criminal proceedings), to attend before him at such time and place as he may select anywhere in said county of which he is a Judge, when and where the party accused and demanding a jury trial as accused parties are tried for misdemeanor in the Superior Court of the State. The accused shall have no right of peremptory challenge to this jury so summoned; but may show any of them not to be free from legal exception if he can, and if he can, and if such exception is sustained by the County Judge, other persons liable to serve as jurors shall be summoned by said bailiff, as tales jurors are summoned in the Superior Court, until the jury of twelve men is obtained. In order to procure an impartial jury, the County Judge shall ask the jurors under oath, (which he may administer), such questions as will ascertain the mental condition of the jury, and if any are found incompetent, according to the rules provided in the Code, he shall, as above, have tales jurors summoned until an impartial jury can be procured. If the verdict of said jury, which shall have the same power and duties as juries in criminal cases in Superior Courts, as to law and facts, shall be against defendant, he shall be sentenced as in cases where the County Judge alone tries the case. The County Judge shall have the right to try any and all of the criminal cases which may properly come before him at any place in the county where he is Judge, and his judgment and decision shall be subject to review by *certiorari* as hereinafter provided.

SEC. XII. In cases where no indictment of the grand jury is demanded, the County Judge shall frame a written accusation, founded upon the affidavit charging the defendant, said accusation to be in the name of the State of Georgia, signed by the prosecutor, and distinctly setting forth the nature of the offense charged, the time when committed, where and by whom, and that it is based upon said affidavit briefly referring to it; to this accusation defendant may demur for insufficiency, or plead to the merits, and if the accusation is held insufficient, the County Judge shall frame another and another until one is adjudged legally sufficient, but in no case shall the person accused be discharged for such insufficiency until full opportunity is allowed to prepare the sufficient accusation; when the case is submitted to the County Judge upon the pleadings as above set forth, (defendant being allowed full opportunity to plead and defend as in criminal cases in the Superior Court,) the County Judge shall give both parties, accuser and accused, time, if necessary, for a fair and impartial hearing, and said County Judge shall, on the trial, before him or a jury, make a thorough and careful examination of all the witnesses and testimony, and in no case allow either the State or accused to be prejudiced from any want of an examination or cross-examination; if the witnesses in the case before him, after the case is submitted upon the evidence and law, the County Judge or the jury, if a jury is demanded, shall in ascertaining the guilt or innocence of the party accused, be governed by the same rules as govern juries in criminal cases in the Superior Court; if the decision of

Costs, how assessed, etc.

the County Judge, or the verdict of the jury, is against the defendant, said County Judge shall at once sentence the accused according to law and the rules of law governing Judges of the Superior Courts in sentencing parties found guilty of misdemeanors. If the decision of the County Judge, or the verdict of the jury, is in favor of the accused, he shall be discharged from the accusation so tried, and when said Judge or jury shall believe the accusation to be malicious, such Judge or jury may so find, and assess all the costs against the accuser; so, also, in all cases where the accuser shall fail to prosecute the case said Judge shall order that the accuser shall pay all the costs of the case from beginning to end, inclusive with the jail fees.

Malicious
accusation

SEC. XIII. Whenever said County Judge shall adjudge that costs to are be paid either by the accused or prosecutor, the costs shall be assessed as follows: in all cases begun but not tried, \$2 00 shall be paid (by the party adjudged liable) to the County Judge, and the same sum to the bailiff; in all cases tried by the County Judge or by him and a jury, the costs to be paid him by the party held liable shall be \$3 00, and the sum of \$2 00 to the bailiff, said bailiff shall, however, when he summons a jury or serves subpoenas for witnesses have extra fees as follows: for each juror 20 cents and for each subpoena 10 cents, all of the costs assessed for the County Judge shall be paid over by him to the county treasurer as fast as received, and an account given of the same at each term of the Court to the grand jury. If said County Judge shall use any of said costs or fail to turn over the same, he shall be liable, criminally, as county treasurer, under the 4368 section of the Code; Whenever the bailiff shall not be able to collect his costs on account of poverty or insolvency of the defendant, he shall be allowed the same from the fines and forfeitures hereinafter mentioned, and costs paid over to the county treasurer from cases in the County Court, and in all cases when an accusation is made by any person, the County Judge is hereby required to use the same proceedings to secure the costs of the cases presented to him, as the Code requires of Justices of the peace issuing criminal warrants, not, however, exacting security. When a party is adjudged liable in a criminal proceeding to pay costs or fines, or both, the same shall be collected as costs and fines are collected in the Superior Courts. Whatever fines and forfeitures are collected by virtue of sentence or judgment of the County Court Judge, they shall be collected and paid over to the county treasurer of each county. Said County Judge shall have jurisdiction to determine forfeitures, as other money demands, unless the amount involved exceeds his jurisdiction, when the bond shall be turned over to be forfeited in the Superior Courts, and all money collected thereon, save the expense of collection, shall be paid over by the County Judge to the county treasurer.

Costs, how
assessed.

Bailiff's
fees.

Insolvent
costs.

Forfeiture
of bonds.

SEC. XIV. That the right to *certiorari* from decision and judgment of the County Judge, in all criminal cases, shall exist as in all civil cases, and the *certiorari* shall be obtained in the same mode and disposed of in the same mode as is provided in section thirteen of the

Certiorari
in criminal
as in civil
cases.

Judge to keep criminal docket, etc.

Act organizing the District Court in 1870, either in term or vacation, as follows: *Certioraries* may be had under the sanction and order of the Judge of the Superior Courts of the circuit, in the county in which the case is tried, in all criminal cases upon a petition, in writing, (by the defendant) to said Judge, complaining of errors and showing sufficient grounds of error, in ten days after such trial. This petition shall state the grounds of complaint, and give a brief of the material evidence and be duly sworn to. If, upon examination, the Judge of the Superior Court shall consider the petitioner entitled to a writ of *certiorari*, it shall be his duty to issue such writ, directed to the County Judge aforesaid as in civil cases, requiring him to certify and send up to him a complete and accurate history of the case so tried, which shall be called his answer, and which shall be subject to correction and traverse as is provided in section 3990 of the Code, and 3994 of the Code, except that said Judge of the Superior Court shall try said traverse. Said Judge of the Superior Court shall hear and determine said *certiorari* and return at any time after ten days' notice is given to the accuser, and then may pass such judgment or sentence as, in review of the whole case, is consistent with justice. In all cases where the County Judge alone tries the case, such Superior Courts on *certiorari* may pass such sentence or judgment as is consistent with law. No application for *certiorari*, however, in a criminal case shall be entertained unless the party applying will make the affidavit set down in section six of the Act of 1868, as follows: That no writ of *certiorari* shall be granted unless the accused shall first have filed his affidavit setting forth that he has not had a fair trial, and that he has been wrongly and illegally convicted, and unless the party applying shall give such bond and security or make such affidavit as is permitted in the Code of Georgia, for parties in criminal cases carrying up cases to the Supreme Court of Georgia.

SEC. XV. That said County Judge shall keep a docket of all criminal cases disposed of as above by him, and shall therein state the case, its nature and disposition; and shall as in civil cases keep carefully all the papers separate so as to be able, at any time, to make a true history of the cases disposed of, and said County Judge shall, in the trial and determination of criminal cases, have the same authority to preserve order and punish contempts as is given him in civil cases, and shall have the same authority and control of the jail for the punishment of offenders as the Judges of the Superior Courts; said County Judge shall at no time exercise jurisdiction in criminal cases in concurrence with a Justice of the Peace; all cases brought before the Justices of the Peace of the county, if they shall appear to be misdemeanors, shall at once be turned over to the proper County Judge for trial, which shall be treated by him as if originally brought before him; said County Judge shall have the same authority to procure testimony and compel the attendance of witnesses in criminal cases as Judges of the Superior Courts. All the law of the State

Petition for
certiorari
to set forth
grounds of
error.

Judge of
Superior
Court to
issue writ.

Applicat'n
for certio-
rari to be
made on
affidavit.

County
Judge to
keep crimi-
nal docket.

May pun-
ish for
contempt.

Not to ex-
ercise con-
current ju-
risdiction
with Jus-
tices of the
Peace.

Sales on execution by bailiffs.

applicable to criminal proceedings before Justices of the Peace and the Judges of the Superior Courts, not inconsistent with the provisions of this Act, and which can be applied to criminal proceedings before County Judges are hereby made part of this Act.

SEC. XVI. All sales to be made by the bailiff of the County Judge, either in execution of civil or criminal process, shall be at the Court-house of the county or at a militia Court-ground, as the County Judge may designate, having due regard to the interest of parties; said bailiff first giving the usual notice given by constables, or when the County Judge may so require, give notice by advertisement in a newspaper having a general circulation in the county.

Sales by bailiff to be at Court-house or militia Court ground.

Notice of sale to be given.

SEC. XVII. All law of the State of Georgia, applicable to civil proceedings before Justices of the Peace, not inconsistent with the provisions of this Act, and which can be applied to the civil proceedings before the County Judge, are hereby made part of this Act.

Laws relative to proceedings before Justices made part of this Act.

SEC. XVIII. Whenever a trial by jury is demanded, and the same shall be had before the County Judge and a jury, on which the County Judge is hereby authorized to act as a Judge of the Superior Court in criminal trials, and the party accused is found guilty, and error is complained of by the jury, the Judge of the Superior Court shall have full power, and it is hereby made his duty to revise their proceedings by "*certiorari*," obtained as is above provided in criminal cases before the County Judge alone, and if a material error is discovered by him in the finding of the jury, he shall grant a new hearing before a jury to be had in same mode as the first trial. The writ of *certiorari* in this class of cases shall be directed to the County Judge, requiring him to certify all the proceedings before the jury, so that the Judge of the Superior Court can ascertain if any error was committed by the jury and rectify the same.

Judge of Superior Court may revise proceedings of jury in County Court.

New trial may be granted.

SEC. XIX. Said County Judge may, in criminal cases, when he deems it necessary, direct his criminal warrants, orders and proceedings of all sorts, to the sheriff of the county, to his own bailiff, or any lawful constable of the county.

County Judge may direct processes to sheriff, etc.

SEC. XX. The several County Judges created by this Act, shall keep their offices and all papers and other things belonging thereto, at the county site and at the Court-house, unless impracticable from any cause, and notice of where said office is located, shall be given by publication for the space of two weeks, in a public gazette having general circulation in the respective counties, or by notice of the same at three or more of the most public places in the county, in the discretion of the County Judges. That said offices shall be kept open every day except Sundays, and public holidays and days and times when the County Judge is absent from the county site, holding his Court at other places in the county which, in his discretion, he is allowed to do in this Act.

County Judge to keep his office at county site.

Notice to be given.

SEC. XXI. Said County Judge shall discharge all the duties formerly devolved on the Justices of the Inferior Court, as to county

Judge to do the duties Inf. Court.

Certain cases to be transferred from Superior to County Court.

business, except in those counties where, by local laws, other provision has been made by the Legislature of this State.

Certain cases to be transferred from Superior to county Ct. SEC. XXII. In all of the Superior Courts of this State where cases of misdemeanors are now pending, the same shall be transmitted to the Courts created by this bill, after the same is established, and the Clerks of said Court shall then transmit to said County Court the papers of all suits connected with said cases, and when this is done, said County Judges shall proceed with such cases according to the provisions of this bill.

Approved January 19th, 1872.

PART II.

LOCAL AND PRIVATE LAWS.

TITLE.....I.—CITIES AND TOWNS.

“ II.—COUNTIES.

“ III.—CORPORATIONS.

Part II.---LOCAL AND PRIVATE LAWS.

TITLE I.

CITIES AND TOWNS.

ATLANTA CHARTER AMENDED.

SECTION.

1. Persons owning real estate may have grades of streets established on certain conditions.
2. Proceedings in case there is no City Surveyor.
3. Mayor and Council to instruct City Surveyor.
4. How grades are made permanent in certain cases.

LEETON INCORPORATED.

SECTION.

1. Boundaries, powers and privileges.
2. First Town Council named, term of office.

NEWTON INCORPORATED.

1. Commissioners named.
2. Elections, when and where held.
3. Corporate limits.
4. Officers of Council.
5. Commissioners to take oath.
6. Quorum and powers.

No. I.—(O No. 27.)

An Act to amend the charter of the City of Atlanta.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia,* That any person or corporation owning real estate in said city, within three-quarters ($\frac{3}{4}$) of a mile of the car shed desiring to improve the same, shall possess the right to have the grade of any street bordering on the same, permanently established, by complying with the following conditions, to-wit: The owner, his agent or attorney, shall make an affidavit, stating the ownership and description of the property that it is intended to make improvements on the same, either fencing or building, or otherwise, that such improvements are to cost above the sum of one hundred dollars, and that he desires to have the grade of such street or streets established. A copy of such affidavit shall then be served on the city surveyor, whose duty it shall be within thirty days thereafter, to make the necessary survey and fix the grade of such street, and make a plat or profile showing the same, and shall deliver it to the affiant, together with the affidavit of said surveyor, showing that the same is correct and fair; and upon the same being filed, together with the original affidavit, in the office of the Clerk of the Superior Court of the county of Fulton for record, the owner shall thereupon have a

Persons
owning
real estate
within cer-
tain limits
may have
grade of
streets
made per-
manent on
certain
conditions.

Mayor and Council to instruct City Surveyor.

vested right in such grade, and shall be entitled to recover damage from the city for any injury done to said property, in view of any improvements thereafter made upon the same, should the city thereafter alter the grade, such damages to be ascertained, recovered and paid, in the manner in which the laws and ordinances in force at the time may provide for ascertaining, recovering and paying damages done to property in laying out or widening streets.

In case there is no City Surveyor, how copy shall be served.

SEC. II. That in case there be no city surveyor, the copy affidavit aforesaid may be served upon the Mayor of the city, with like effect as above provided, and if within thirty days after service as aforesaid, either upon the city surveyor or the Mayor, such survey and plat is not made and delivered to such affiant or left at his place of residence, the owner, his agent or attorney, may cause a plat or profile of the grade as it then exists, to be made by any competent surveyor, which may be returned and filed in like manner and with like effect as provided in the foregoing section, and it shall be the duty of the Clerk of the Superior Court of Fulton county to record such return in the book of deeds of said county, when filed in his office under any of the provisions of this bill.

Surveyor to execute orders of Mayor and Council in relation to grades of streets.

SEC. III. That nothing in this Act contained shall operate to interfere with the control had by the Mayor and Council of said city, over the manner in which the city surveyor shall execute their instructions, or the instructions of the committees in regard to the grade of any street—but any failure or dispute which may happen therein, shall not operate to delay, hinder or affect the remedy given by this Act to any owner of property seeking to have his grade established as aforesaid.

Grades—how made permanent in other cases.

SEC. IV. That in case the owner of any real estate in said city desires to have the grade fixed as aforesaid, for any reason other than a purpose to make improvements on the same, he shall make his application in writing, not under oath, to the city surveyor, but need not incorporate any reason therein, upon which all subsequent proceedings shall be the same as above set forth, such written application taking the place of the affidavit provided for in the foregoing section of this bill: *Provided*, that when the party proceeds by written application not under oath, as aforesaid, the authorities of the city shall have six months instead of thirty days, in which to make and return the survey as aforesaid.

Approved January 20th, 1871.

No. II.—(O No. 21.)

An Act to incorporate the Town of Leeton, to appoint a Town Council for the same, to confer certain rights, powers and privileges, and for other purposes.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That from and*

Boundaries, powers and privileges.

after the passage of this Act, the town of Leeton, in the county of Sumter and State of Georgia, be and the same is hereby incorporated, with boundaries as follows: By a line running due east from Muckalee creek and touching the extreme southern limit of the corporate line of the city of Americus, bisecting the Starkville road from Americus, and extending due east from said road one-half mile, thence directly south to Graham's mill creek, thence directly west to Muckalee creek, and from thence directly north to the starting point, and said town of Leeton shall have, and is hereby granted all the rights, powers and privileges of the town of West End, in the county of Fulton, State of Georgia, conferred by the original Act of incorporation, approved October 10th, 1868.

Boundaries

Same powers and privileges as West End in Fulton county.

SEC. II. That John V. Price, Robert T. Byrd, Robert R. Brown, Dr. William N. L. Crocker and Frank E. Burke, and their successors in office, be and they are hereby made a body corporate and politic, under the name and style of the Town Council of Leeton, and shall hold their office until the second Monday in January, 1873, and until their successors are elected and qualified.

First Town Council named.

Term of office.

SEC. III. Repeals conflicting laws.

Approved January 20th, 1872.

No. III.—(O No. 12.)

An Act to incorporate the Town of Newton, in the County of Baker, and to appoint Commissioners for the same, and for other purposes therein mentioned.

SECTION I. *Be it enacted by the General Assembly of Georgia, That* A. L. Hawis, J. V. Norris, Howel Williams, W. C. Odum and A. W. Muse, and their successors in office, be and they are hereby appointed commissioners and made a body corporate, under the name and style of the Town Council of Newton, and the said named commissioners shall hold their office until the first Saturday in January, 1873, and until their successors are elected and qualified.

Commissioners named.

SEC. II. That on the first Saturday of January, 1873, and on the first Saturday of January of every subsequent year an election shall be held at such place, within the corporate limits of said town, as the managers of said election may think convenient, for five commissioners, to serve for one year next after their election, and until their successors are elected and qualified; at which election all persons resident within the corporate limits of said town who are entitled to vote for members of the General Assembly shall be entitled to vote; and said election shall be managed by three (3) freeholders, residents of said town, and the persons receiving the highest number of votes cast at election shall be declared duly elected for the term of one year, or until their successors are elected and qualified.

Elections, when and where held

SEC. III. That the corporate limits of said town shall be one-half

 Quorum and powers.

Corporate limits. mile from the Court-house on the north, east and west sides of the same, and to the west bank of the Flint river on the south.

Officers of Council. SEC. IV. That the said Town Council shall, at its first meeting after their election and qualification, elect from their own number a presiding officer, to be styled the "chairman of council," and shall appoint a clerk and marshal, who shall hold their office during the pleasure of the council.

Commissioners to take oath. SEC. V. That the persons named in this Act, and those hereafter to be elected as commissioners, shall, before entering upon the discharge of their duties as town councilmen, take an oath, before some person authorized to administer oaths, faithfully and impartially to discharge the duties of their office.

Quorum and powers. SEC. VI. That a majority of said council shall constitute a quorum for business, and shall have power to pass all ordinances, not inconsistent with the Constitution and laws of this State, for the government of said town, and for the preservation of the good order and peace of said town; and shall have power to provide for the working of the streets of said town, and to compel all persons in said town subject to road duty, under the laws of this State, to work on the same; and for the violation of all ordinances of said Town Council, they shall have power to punish by fine, not exceeding twenty-five dollars, or imprisonment, not exceeding five days, or both, in the discretion of said council.

SEC. VII. Repeals conflicting laws.

Approved January 20th, 1872.

County line changed, etc.

TITLE II.

COUNTIES.

DODGE AND PULASKI.

SECTION.

1. County line changed.
2. Certain lots added to Dodge county.

GREENE AND MORGAN.

1. Line between, how changed.

GLYNN.

1. Act creating commissioners amended, commissioners authorized to assess tax only against Glynn county.
2. Or draw warrants.
3. Or control and dispose of bonds.

HALL.

1. Judge authorized to hold Superior Court for two weeks.

MCINTOSH.

1. Act amended, commissioners to exercise criminal jurisdiction of Justices of the Peace.
2. May elect a chairman with the powers of Mayor of Darien.
3. Secretary of State furnish copy of Act and necessary books.

MILTON.

SECTION.

1. Board of commissioners established, first board appointed by grand jury, subsequent boards to be elected, term of office.
2. Vacancies now filled.
3. Qualifications.
4. Quorum.
5. Commissioners to be advisors of Ordinaries in county matters.
6. Sessions of board.
7. Exempt from jury and militia duty.
8. To make statements to grand jury.
9. Ordinary to retain his fees.

PULASKI.

1. Act of 1831 repealed.
2. State road laws to be of force.

UPSON.

1. Commissions on receipts and disbursements allowed county treasurer.
2. Same fees allowed former treasurer.
3. Pay of jurors and bailiffs.

No. IV.—(O No. 19.)

An Act to change the county lines between the counties of Dodge and Pulaski, so as to add a portion of the county of Dodge to the county of Pulaski.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the line between the counties of Dodge and Pulaski be changed as follows, so as to include all the lots of land lying between the lines hereafter given and the Ocmulgee river, within the county of Pulaski, to-wit: Commencing at the southwest corner of lot of land No. 288 in the 15th district of originally Pulaski, now Dodge, thence running in an easterly direction, following the land line to southwest corner of lot No. 223, in 15th district aforesaid, thence north along land line to southwest corner of lot No. 256, in 20th district, thence along said district line to southwest corner of No. 195, thence in a northerly

Board of Revenue—Change of line.

direction following the land line to southwest corner of No. 183, in the 20th district aforesaid, thence in an easterly direction along the land line to southwest corner of No. 148, in said 20th district, thence in a northerly direction to the district line aforesaid.

SEC. II. That lots of land, Nos. 246, 235, 216 and 205, in the 20th district, be excepted from the lots contained within the limits aforesaid, and that the same be, and they are hereby declared a part of the county of Dodge.

SEC. III. Repeals conflicting laws.

Approved January 20, 1872.

No. V.—(O No. 14.)

An Act to change the line between the counties of Greene and Morgan.

SECTION I. *The General Assembly of the State of Georgia do enact*, That the line between the counties of Greene and Morgan, be so changed as to include in Greene county all that portion of James B. Park's land, and also the mills of James B. Park, Greene Moore and James N. Armour, now situated in Morgan county.

Approved January 20th, 1872.

No. VI.—(O No. 16.)

An Act to amend an Act entitled an Act creating a Board of Commissioners of Roads and Revenue for Glynn county.

SECTION I. *Be it enacted*, That the above entitled Act be so amended as to only authorize and empower said board of commissioners of roads and revenue to assess taxes, and authorize the collection of the same against said county of Glynn.

SEC. II. That the said board of commissioners of roads and revenue be only authorized to draw warrants against said county, and that the treasurer pay no moneys out except upon their warrant.

SEC. III. That said board of commissioners of roads and revenue only shall have control of, and the disposal of, all bonds of said county, issued by the Ordinary of said county, which have not been sold and delivered previous to the passage of this Act.

SEC. IV. Repeals conflicting laws.

Approved January 20th, 1872.

Line—how
changed.

Commissioners
to assess
taxes only
against
Glynn Co.

Or draw
warrants.

Or control
or dispose
of bonds.

Court—Certain duties to be performed.

No. VII.—(O No. 13.)

An Act to authorize and require the Judge of the Superior Court of the Circuit in which the county of Hall now is, or may be hereafter situated, to hold the Superior Court of said county for two consecutive weeks at each term thereof.

SECTION I. *Be it enacted*, That hereafter the Judge of the Superior Court of the Circuit in which the county of Hall now is or may hereafter be situated, shall be authorized and required to hold the Superior Court of said county for two consecutive weeks at each term thereof, beginning on the third Monday in March and September of each year, unless having disposed of all the business of said Court, he can adjourn the same before the expiration of the second week.

Approved January 20th, 1872.

No. VIII.—(O No. 26.)

An Act to amend an Act entitled "an Act creating commissioners for the county of McIntosh, to define their powers, duties, etc., and for other purposes," passed December 8th, 1871.

SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met*, That section fourth of the above recited Act be so changed as to read: That each and every one of said commissioners shall be vested with the same criminal jurisdiction as is now vested in the Justices of the Peace by the laws of the State.

SEC. II. That the board of commissioners appointed in the above recited Act, shall have power to elect a chairman from their own number, who shall have all the powers formerly exercised by the Mayor of the city of Darien; but nothing in this Act shall prevent an appeal to the board of commissioners.

SEC. III. That a certified copy of the above recited Act, with this amendment, be sent by the Secretary of State to the commissioners and to the Mayor of the city of Darien, and that the Secretary of State, upon application, be authorized to furnish said commissioners with such books and papers as may be necessary for the proper discharge of their duties.

SEC. IV. Repeals conflicting laws.

Approved January 20th, 1872.

No. IX.—(O No. 23.)

An Act to create a Board of Commissioners of Roads and Revenue in the county of Milton.

SECTION I. *Be it enacted,* That from and after the passage of this Act, there shall be established in the county of Milton, in this State, a Board of Commissioners of Roads and Revenue, to consist of eight persons, one to be elected from every militia district by the qualified voters of said districts; the first board of commissioners shall be appointed by the grand jury of the county; a record of such appointment shall be entered upon the minutes of the Superior Court of said county, and a certificate of such appointment issued by the Clerk of said Court, shall be sufficient warrant to said commissioners to enter upon the discharge of duties as hereinafter set forth. This board of commissioners shall be appointed at the next March Term of the Superior Court, which board shall hold their office until the regular election for county officers in the year 1873, at which time an election shall be held; which board and all succeeding boards, shall hold their office for the term of one year, unless sooner removed by the Judge of the Superior Court, upon the request of two-thirds of any grand jury, empanelled at any term of the Superior Court of said county.

SEC. II. That any vacancy which may occur in the board established by this Act, a majority of the members of said board shall appoint to fill such vacancy or vacancies, and said appointments being subject to the ratification of the grand jury, at its next session thereafter.

SEC. III. That no person is eligible as commissioner under this Act unless he has been a resident in the county at least one year preceding his appointment. Before entering on the duties of his office, he shall take the oath required of all civil officers of this State.

SEC. IV. That it shall require five of said commissioners to form a quorum for the transaction of business.

SEC. V. The commissioners so appointed or elected shall be the legal advisers of the Ordinary in all matters relating to the levying taxes for county purposes, public buildings, public roads and bridges, and all county matters generally, and a majority shall determine all questions.

SEC. VI. That they shall hold twelve regular sessions annually, one session on the first Tuesday in each and every month: *Provided,* nevertheless, a majority of said board and the Ordinary of said county may convene the same in extraordinary session whenever in their judgment it may be necessary.

SEC. VII. The said commissioners so appointed or elected shall be exempt from jury, road and militia duty for the time they serve, and shall not be entitled to any other compensation.

SEC. VIII. That said board of commissioners be required to ren-

State road laws to be of force.

der to the grand jury of said county, at each regular session of the Superior Court, a detailed statement of the financial affairs of the county, and a general report of their acts since their last report.

To make statement to grand jury.

SEC. IX. That this Act shall not be so construed as to deprive the Ordinary of any fees now allowed by law.

Ordinary to retain his fees.

SEC. X. Repeals conflicting laws.

Approved January 20th, 1872.

No. X. (O No. 17.)

An Act to repeal an Act passed in 1831, authorizing Justices of the Peace to act as Road Commissioners in the county of Pulaski, and to apply the road laws now of force in the State to said county of Pulaski.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the Act of 1831 authorizing Justices of the Peace to act as road commissioners in the county of Pulaski be, and the same is hereby repealed.

Act of 1831 repealed.

SEC. II. That the road laws now of force in this State be, and the same are hereby applied to said county of Pulaski.

Road laws to be of force.

SEC. III. Repeals conflicting laws.

Approved January 20th, 1871.

No. XI.—(O No. 6.)

An Act to regulate the fees of County Treasurers, the pay of jurors and bailiffs for the county of Upson, and for other purpose.

SECTION I. *Be it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this Act, the County Treasurer of the county of Upson shall receive two and a half per cent. on all sums received by him, and two and a half per cent. on all sums disbursed by him.

Commissions on receipts and disbursements allowed Treasurer.

SEC. II. That the same fees shall be allowed any person who has heretofore discharged the duties of county treasurer of the county of Upson, since the adoption of the Code.

Same fees allowed former treasurer.

SEC. III. The grand and petit jurors of said county shall each receive two dollars per day for each day they shall serve at any session of any Court in and for said county, and the bailiffs shall each receive not less than three nor more than four dollars per day for each day they may serve on any session of any Court for said county.

Pay of jurors and bailiffs.

SEC. IV. Repeals conflicting laws.

Approved January 19th, 1872.

Corporators.

TITLE III.

CORPORATIONS.

CENTRAL INSURANCE COMPANY OF GEORGIA INCORPORATED.

SECTION.

1. Corporators, general powers.
2. Capital stock.
3. Subscriptions; when and how organized.
4. Board of directors and quorum.
5. Secretary and other officers.
6. Trespass of stock.
7. Powers as to insurance; policies how executed.
8. Claims for losses how made.
9. Secretary of stockholders.
10. Duration of charter.

DARIEN BANKING COMPANY.

1. Charter amended; capital stock increased.
2. When company may commence business.
3. Organization.

MARIETTA SAVINGS BANK INCORPORATED.

1. Corporators; principal office; powers and privileges.
2. Capital stock.
3. Directors and officers; powers of company.
4. Powers as to trusts; books of subscription; election of directors.
5. Minutes, how kept.
6. Dividends; statement to be published.
7. Forty per cent. to be paid on subscribing.

SECTION.

8. Duration of charter and liability of stockholders.

SAVINGS BANK OF NEWNAN.

1. Incorporated; principal office and general powers.
2. Capital stock.
3. Officers how elected; powers of company.
4. Powers as to trust property; agencies; books of subscription; election of directors.
5. Minutes of proceedings.
6. Dividends; statement published.
7. Installments.
8. Question of charter and liability of stockholders.

SOUTHERN IMMIGRATION AND LAND COMPANY.

1. Incorporated; corporators powers.
2. Capital stock.
3. By-laws.
4. Principal office and agencies.
5. Duration of charter.

SPALDING MANUFACTURING COMPANY.

1. Incorporated; corporators, powers.
2. Officers.
3. Purposes of corporation.
4. May hold necessary property.
5. May employ operatives.
6. Principal office.
7. Capital stock.
8. Meetings of company; Installment.
9. Duration of charter.

No. XII.—(O No. 1.)

An Act to incorporate "The Central Insurance Company of Georgia," to be located at Macon, Ga.

SECTION. I. *The General Assembly of the State of Georgia do enact, That James T. Nesbit, Thaddeus G. Holt, Jr., C. A. Nutting, Corporators William M. Brown, W. A. Huff, B. A. Wise, Samuel T. Coleman, Joseph Waxelbaum, Dennis Daly, W. A. Hopson, Benjamin C. Smith, W. A. Collins, Thomas B. Gresham, Thomas Hardeman, Jr.,*

Board of Directors and quorum.

A. W. Reese, A. R. Tinsley, George H. Hazlehurst, Emory Winship, William Rogers, Charles M. Wiley, S. G. Bonn, P. M. Compton, Thomas J. Smith, W. B. Harrold, William L. Lampkin, Nelson Tift, T. M. Furlow, D. R. Adams, Charles H. Johnson, L. G. Bowers, H. P. Russell and A. Austell, and such other persons as may be associated with them, and their successors be, and they are hereby incorporated as a body politic, under the name and style of "The Central Insurance Company of Georgia," by which name they shall have power to sue and are liable to be sued, to purchase, hold and sell property, to use a common seal, to make and establish such by-laws as may be necessary for the proper management of their business, to elect officers and to take marine and fire insurance risks, upon such terms as may be agreed upon between the parties to the risks.

General powers.

SEC. II. That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which capital may be increased at any time, by the stockholders in convention assembled, to any amount not exceeding five hundred thousand dollars. The said company may commence business when the sum of one hundred thousand dollars, cash capital, shall be subscribed and paid in currency.

Capital stock.

SEC. III. That the said corporators, or any seven of them, upon notice to the others, may meet and receive subscriptions to the capital stock of said company, and when the sum of one hundred thousand dollars shall have been subscribed and ten per cent. thereon shall have been paid, they shall issue a call to the stockholders, who shall proceed to organize the company by the election of a board of directors. In this election and in all meetings of the stockholders for the transaction of any business, each share of stock shall be entitled to one vote. In all such meetings and elections, any stockholder may be represented by any other stockholder by a written proxy, signed by him.

Subscriptions to capital stock.

When and how organized.

SEC. IV. That the board of directors of said company shall consist of seven members, a majority of whom shall be a quorum for the transaction of business, to be elected by the stockholders as aforesaid, and on the first Monday in February of each year thereafter. The said board so elected shall, at their first meeting, elect one of their number as president of the company, and the said board and president shall serve for one year and until their successors are elected and qualified; a vacancy in the board may be filled by the board, to serve until the next regular election.

Board of directors and quorum.

SEC. V. That the board of directors shall have power to elect a secretary, clerk and such other officers and agents as they may deem necessary for the proper management of the affairs of the company; which said officers shall be under the control of the board of directors, and are liable to be dismissed or superseded at any time, and the board of directors may require a bond with security from any of the

Secretary and other officers.

Charter amended, etc.

officers of the company for the proper and faithful performance of their duties.

Stock, how transferred

SEC. VI. That the stock of said company shall only be transferred on the books of the company by the stockholder, in person, or by power of attorney for that purpose, and the company shall have a lien upon the stock of any member for all his debts and liabilities to the company.

Powers as to insurance.

Policies—how signed

SEC. VII. That the said company shall have power to insure against losses by fire on all property, real or personal, in any part of the United States, and also against the hazards of ocean or inland navigation or transportation of any kind. The policies to be issued by this company shall be signed by the president or vice-president and the secretary, and no loss shall be paid upon any policy not thus signed. No policy shall be issued for more than ten thousand dollars upon any single risk, or upon any block or square of buildings where the probable damage in case of fire would increase the risk beyond ten thousand dollars.

Claims for losses, how made.

SEC. VIII. All claims for losses against said company shall be made on affidavit of the party insured, or his agent, within thirty days from the time of the loss or the knowledge of the same, and the company, in case of doubt, may require other and sufficient proof of the fact of loss and the amount of damage sustained. All losses shall be considered due and payable sixty days from the date of notice of the loss.

Liability of stockholders.

SEC. IX. The stockholders of said company shall be liable in their individual capacity for the debts and losses of said company to the extent of their unpaid subscriptions and installments on their stock, and the capital stock of said company shall be intact and kept as a fund for the security of policy holders, and no dividends shall be declared so as to reduce or encroach upon the capital.

Duration of charter.

SEC. X. This charter, with the privileges hereby granted, shall continue for thirty years, and all laws and parts of laws in conflict therewith shall be, and are hereby repealed.

Approved January 18th, 1872.

No. XIII.—(O No. 15.)

An Act to amend an Act approved March 4th, 1869, to incorporate the Darien Banking Company, and for other purposes, and the Act amendatory thereof, approved October 22d, 1870.

Capital stock increased.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the capital stock of said company shall be increased to the sum of two hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars.

When company may commence business.

SEC. II. That the said company may commence business so soon as one hundred thousand dollars of the capital stock has been subscribed and actually paid in, in lawful money of the United States.

Marietta Savings Bank incorporated.

SEC. III. That the time of the meeting and organization of said company, shall be extended so as to allow it to organize at any time within twelve months from the fourth day of March, 1872.

Approved January 20th, 1872.

No. XIV.—(O No. 11.)

An Act to incorporate the Marietta Savings Bank.

SECTION 1. *The General Assembly of the State of Georgia do enact*, That John R. Winters, Millege G. Whitlock, William P. Anderson, A. J. Hansell, D. R. Cook, Benjamin Stripling and Anthony Van Wyck, E. J. Setze, H. M. Hammeth, Benjamin F. Aldrich, and their associates and successors, are hereby constituted a body corporate, under the name of The Marietta Savings Bank, and by that name shall have succession and may sue and be sued. The principal office of said bank shall be located in the city of Marietta, Georgia, and said bank shall have such powers and privileges as are conferred on the Georgia Loan and Trust Company, by the Act incorporating the same, approved October 5th, 1868: *Provided*, said bank shall be subject to the same limitations and restrictions, as to rate of interest and liability of its stockholders for debts of the bank, as are imposed by and contained in the said Act incorporating the Georgia Loan and Trust Company: *Provided*, that said company shall not be allowed, either under the name of commissions or otherwise, to collect more or greater interest on loans than is allowed under the general law of Georgia.

SEC. II. The capital stock of said bank shall be twenty-five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, said stock to be divided into shares of twenty-five dollars each, and when there has been twenty-five thousand dollars of said capital stock subscribed, and ten thousand dollars actually paid in, in lawful money of the United States, the said company may organize and proceed to business under this Act.

SEC. III. The corporate powers of said bank shall be vested in and exercised by a board of directors, of not more than five persons, to be chosen as hereinafter provided, who shall elect from their number a president and cashier. A majority of said board shall constitute a quorum for the transaction of business. The said company shall have power to make advances to planters for the purpose of developing the agricultural interest of the State, in loans or mortgages on real and personal property, of any and all kinds, and upon crops to be raised, to receive deposits of money and all other valuables of any kind, and to rent suitable offices and stores for their safe keeping, and issue receipts for the same; to buy and sell bonds, bills

Powers, etc.

Proviso.

of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive in addition to interest, such a commission on advances of money and negotiating loans and for storage, as may be agreed upon between said company and the party or parties so buying or selling such bonds, bills of exchange or promissory notes, or borrowing or receiving such moneys, securities or credits, and for storing such valuables: *Provided, however,* the rate of interest on loans so made shall not exceed the rate of interest allowed by the laws of this State; and the said company shall have power to take and hold as security for, or in payment of, any loans or advances made, mortgages or other investments or obligations, upon any and all kinds of property whatever, either real or personal; and said company shall have power to purchase, hold, sell, exchange and convey bonds or other property of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments, as may be necessary for the transaction of its business.

May receive and invest money on trust.

SEC. IV. The said company shall have power to receive moneys on trust or on deposit and to invest the same at such rate of interest as may be agreed on, or to allow such interest thereon as may be agreed upon; shall have power to accept and execute all such trusts of every description that may be committed to them by any person or persons whomsoever, or any corporation, or may be committed to them by any Court; and shall have power to take and accept, by grant, assignment or bequest, and hold any real and personal estate in trust created in accordance with the laws of this State, and execute such legal trust in regard to the same in such terms as may be agreed upon in regard thereto: *Provided,* the rate of interest shall not exceed ten per cent. The board of directors shall have power to establish agencies for the transaction of the business of said company at any place they may think proper, and to appoint such agents, officers or employees as may be considered necessary, and may delegate power to transact any of its business to committees of directors, or to its officers or agents, as it shall deem proper. Said corporators, or any two of them, shall be, and they are hereby appointed commissioners to open books of subscriptions for the capital stock of said bank at the office of Aldrich & Van Wyck, in the city of Marietta, for such amounts as they may deem proper, within the limits hereinbefore specified. The directors of said bank shall be elected by a majority in interest of the stockholders, voting at an election to be held under the inspection of said commissioners at the place of subscription, after the said books are closed, each share to represent one vote, and said directors to hold their office until their successors are elected, and to have power to make such by-laws as they deem necessary to carry out the objects of the corporation, and may adopt a corporate seal and change the same at will.

Books of subscription where and by whom opened.

Directors, how elected

Minutes—how kept.

SEC. V. The minutes of the proceedings of the board of directors shall be kept in a book provided for that purpose, and shall be signed by the president and secretary, and the same shall be at all times

People's Savings Bank of Newnan incorporated.

subject to the inspection of any stockholder. Each stockholder shall be entitled to a certificate of stock when fully paid up, which may be transferred at any time by the stockholder signing such transfer by himself, his agent, or attorney in fact, in a book to be kept for that purpose.

SEC. VI. Dividends of the net profits of the business of said bank shall be declared to the stockholders according to the amount actually paid in by each, on the first Monday in January and July in each year, at the same time the board of directors shall make and publish statements of all the debts, liabilities and assets whatever of said bank which statement shall be verified by oath of the cashier, made before any officer authorized to administer an oath. Such statements shall be recorded and kept in a book for that purpose for future reference.

SEC. VII. Each stockholder shall pay in forty per cent. of his stock at the time of subscription for the same and the board of directors shall have power to call in such other installments as they may think proper from time to time by giving ten days' notice thereof, in writing: *Provided*, not more than one fifth of the amount subscribed shall be called in at any one time.

SEC. VIII. This Act shall continue in force for twenty-one years, and each stockholder shall be individually liable for the ultimate payment of all the debts of the corporation created while he was a stockholder, in proportion to the amount of his stock.

SEC. IX. All laws conflicting with this Act are hereby repealed.

SEC. X. This Act shall take effect and be in force from and after its passage and publication.

Approved January 20th, 1872.

No. XV.—(O No. 10.)

An Act to incorporate the People's Savings Bank of Newnan.

SECTION I. *The General Assembly of the State of Georgia do enact*, That Uriel B. Wilkinson, Joseph E. Dent, Hugh Buchanan, Robert D. Cole, Joseph T. Reese, Joseph J. Prinson, Abner E. McGarrity and Elijah Martin, and their associates and successors, are hereby constituted a body corporate under the name of the People's Savings Bank, of Newnan, and by that name shall have succession and may sue and be sued. The principal office of said bank shall be located in the city of Newnan, Georgia, and said bank shall have such powers and privileges as are conferred on the Georgia Loan and Trust Company by the Act incorporating the same, approved October 5th, 1868: *Provided*, that said bank shall be subject to the same limitations and restrictions as to rate of interest and liabilities of its stockholders for debts of the bank, as are im-

Corporate powers vested in a board of directors.

posed by and contained in the said Act incorporating the Georgia Loan and Trust Company: *Provided*, said company shall not be allowed to collect greater interest, either under the name of commissions or otherwise, either upon loans or advances, than is allowed by the laws of this State.

Capital
stock.

SEC. II. The capital stock of said bank shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, said stock to be divided into shares of fifty dollars each, and when there has been fifty thousand dollars of said capital stock subscribed and two-fifths thereof actually paid in, in lawful money of the United States, the said company may organize and proceed to business under this Act.

Board of
directors
shall elect
president
and cashier
Powers of
company.

Power to
receive
and invest
monies on
trust.

Proviso.

SEC. III. The corporate powers of said bank shall be vested in and exercised by a board of directors of not more than five persons, to be chosen as hereinafter provided, who shall elect from their number a president and cashier; a majority of said board shall constitute a quorum for the transaction of business; that said company shall have power to make advances to planters for the purpose of developing the agricultural interest of the State in loans on mortgages on real or personal property of any and all kinds, and upon crops to be raised; to receive deposits of money and all other valuables of any kind, and to erect, purchase or rent suitable offices and stores for their safe keeping, and issue receipts for the same, to buy and sell bonds, coin, bills of exchange and promissory notes, and advance and loan moneys, securities and credits, and may charge and receive, in addition to interest, such a commission on advances of money and negotiating loans, and for storage as may be agreed upon between said company and the party or parties so buying or selling such bonds, bills of exchange or promissory notes, or borrowing or receiving such money, securities or credits, and for storing such valuables: *Provided, however*, the rate of interest on loans so made shall not exceed the rate of interest allowed by the laws of this State; and the said company shall have power to take and hold as securities for, or in payment of, any loans or advances made, mortgages or other instruments or obligations upon any and all kinds of property whatsoever, either real or personal, and said company shall have power to purchase, hold, sell, exchange and convey bonds or other property of any nature, and may execute and issue all such receipts, certificates, contracts or other instruments as may be necessary for the transaction of its business.

SEC. IV. That said company shall have power to receive moneys on trust or deposit, and to invest the same at such rate of interest as may be agreed on, or to allow such interest thereon as may be agreed upon; shall have power to accept and execute all such trusts of every description that may be committed to them by any person or persons whomsoever, or any corporation, or may be committed to them by any Court, and shall have power to take and accept by grant, assignment or bequest, and hold any real and personal estate in trust

Minutes of the proceedings to be kept in a book.

created in accordance with the laws of this State, and execute such legal trust in regard to the same, on such terms as may be agreed upon in regard thereto: *Provided*, the rate of interest shall not exceed that allowed by the laws of this State; that the board of directors shall have power to establish agencies for the transaction of the business of said company, at any place they may think proper, and to appoint such agents, officers or employees, as may be considered necessary, and may delegate power to transact any of its business to committees of directors, or to its officers or agents, as it shall deem proper. Said corporators or any two of them shall be, and they are hereby appointed commissioners to open books of subscription for the capital stock of said bank, at the office of Uriel B. Wilkinson, in the city of Newnan, for such amounts as they deem proper, within the limits hereinbefore specified. The directors of said bank shall be elected by a majority in interest of the stockholders voting at an election to be held under the inspection of said commissioners, at the place of subscription, after the said books are closed, each share to represent one vote, and said directors to hold their office until their successors are elected, and to have power to make such by-laws as they may deem necessary to carry out the objects of the corporation, and may adopt a corporate seal and change the same at will.

Agencies.

Books of subscription when and by whom opened.

Election of directors.

SEC. V. The minutes of the proceedings of the board of directors shall be kept in a book provided for that purpose, and shall be signed by the president and secretary, and the same shall be at all times subject to the inspection of any stockholder. Each stockholder shall be entitled to a certificate of stock, when fully paid up, which may be transferred at any time by the stockholder signing such transfer by himself, his agent or attorney-in-fact, in a book to be kept for that purpose.

Minutes of proceedings.

SEC. VI. Dividends of the net profits of the business of said bank shall be declared to the stockholders according to the amount actually paid in by each, on the first Monday in January and July in each year; at the same time the board of directors shall make and publish statements of all the debts, liabilities and assets whatever, of said bank, which statements shall be verified by oath of the cashier, made before any officer authorized to administer an oath; such statements shall be recorded and kept in a book for that purpose for future reference.

Dividends.

Statement to be published.

SEC. VII. Each stockholder shall pay in twenty per cent. of his stock at the time of subscription for the same, and the board of directors shall have power to call in such other installments as they may think proper, from time to time, by giving ten days' notice thereof in writing: *Provided*, not more than one-fifth of the amount subscribed shall be called in at any one time.

Installments.

SEC. VIII. This Act shall continue in force for twenty-one years, and each stockholder shall be individually liable for the ultimate payment of all debts of the corporation, created while he was a stockholder, in proportion to the amount of his stock.

Duration of charter and liability of stockholders.

SEC. IX. Repeals conflicting laws.

Approved January 20th, 1872.

The Southern Immigration and Land Company incorporated.

No. XVI—(O No. 24.)

An Act to incorporate the Southern Immigration and Land Company of the State of Georgia.

Corporat'rs SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That James A. Nesbit, Lewis N. Whittle, George H. Hazlehurst and James T. Nesbit, of said State, and William P. Eastman, of the county of Dodge, in said State, and William E. Dodge, A. P. G. Dodge and James Stokes, of the State, city and county of New York, and their associates be, and they are hereby made and constituted a body corporate and politic, by the name and style of the Southern Immigration and Land Company of the State of Georgia, with power to hold, purchase and dispose of lands, to make contracts for the chartering of steamships and other vessels for the transportation of emigrants; to purchase, own, run and sell such vessels; to deal in passenger tickets for the foreign and inland transportation of emigrants by land and water; to buy and sell foreign and inland bills of exchange; to take charge of, dispatch and deliver goods transmitted between this and other countries; to act as agents for the sale of lands in all parts of the country, to make all contracts for improvements of any kind, as churches, schools, turnpikes, bridges, factories, foundries and rolling mills, and all other improvements which a private citizen might lawfully make upon lands owned by them; to lease and mortgage lands, and generally to make any contract in reference to lands which a private citizen might lawfully make; to buy and hold horses, mules, sheep and other stock and farming tools, and implements for the purpose of selling or letting the same to emigrants or others; and with all the usual corporate powers necessary and proper to carry out the objects of this incorporation, which is hereby declared to be the procuring and assisting emigrants from foreign countries to settle in the State of Georgia and other Southern States, and to make the wild lands of said States valuable and productive.

Powers of company.

Capital stock. SEC. II. That the capital stock of said company shall amount to two hundred thousand dollars before said company shall commence its operations, with the privilege of increasing the same from time to time as the directors may see proper until it reaches five millions of dollars, which stock shall be divided into shares of one hundred dollars each, which shall be transferrable, in writing, as the by-laws of said company shall decide.

May enact by-laws. SEC. III. That the company shall have power to enact by-laws not inconsistent with the provisions of this charter, nor with the laws of this State or the United States, prescribing the mode of electing its officers, and their duties, the number of directors, the time and place of the annual meetings, the manner of calling special meet-

The Spalding Manufacturing Company incorporated.

ings, the mode of transferring the stock of the company, and generally with regard to the manner of conducting the business of the company.

SEC. IV. That the chief office of said company shall be in the city of Macon, in the State of Georgia, with agencies in other cities of this State and elsewhere. Principal office and agencies.

SEC. V. That this charter shall take effect from its passage, and may be altered or amended or enlarged at the pleasure of the General Assembly, and this charter shall run for fifty years. Duration of charter.

SEC. VI. Repeals conflicting laws.

Approved January 20th, 1872.

No. XVII.—(O No. 4.)

An Act to incorporate "The Spalding Manufacturing Company," of Griffin, Georgia.

SECTION I. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That William T. Trammell, John P. Lovett, Joseph H. Johnson, Edwin E. Simpson, W. L. Wadsworth, James A. Beeks and Archibald M. Speights, their associates, successors and representatives, are hereby created and constituted a body politic and corporate, under the style and name of "The Spalding Manufacturing Company," of Griffin, Georgia, and as such corporation shall have all such rights and privileges as are necessary to conduct the business and carry out the objects of said corporation, and such as are legally incident to a corporation; to use a common seal and to change the same at will; to make, alter and amend such by-laws, rules and regulations as they may deem advisable for the proper transaction of their business. Corporat'rs
General powers.

SEC. II. That the officers of said company shall consist of a president, treasurer, secretary, and not less than three directors, to be elected annually, or as may be provided in the by-laws of said company. Officers, and how elected.

SEC. III. That the said company shall have the right to manufacture cotton, wool and other fibrous substances into cloth, thread and other fabrics, or the manufacture of flour, meal, lumber, or any other kinds of goods, wares or implements, as they may see proper to engage in, and to buy and sell the same. Purposes of company.

SEC. IV. That said company are hereby granted the right to buy, own and sell such real estate and other property as is necessary and proper for conveniently carrying on their business, and to erect such buildings and offices, and put up and operate such machinery, to be run by such motive power as to them may seem fit and proper at any place or places within this State. May hold necessary property.

SEC. V. That said company are hereby granted the right to hire

Capital stock.

May employ operatives. and bind such laborers and apprentices, for such length of time as they may deem proper, for the purpose of carrying on their operations, such contracts not to be in conflict with the laws in this State in relation to labor and apprentices.

Principal office. SEC. VI. That the principal office of said company shall be in the city of Griffin.

Capital stock. SEC. VII. That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, to be called in as determined on by the directors, with the privilege of increasing the capital stock, at any time, to five hundred thousand dollars; and that so soon as the sum of fifty thousand dollars is subscribed and ten per cent. paid in to the treasurer of the corporation, the corporators, or any three of them, may proceed to organize said company in terms of the charter.

Meetings of company. SEC. VIII. That each stockholder will, at any meeting of said company, be allowed one vote for every share he or she holds, but no stockholder will be allowed to vote at any meeting of said company, unless he or she shall have paid in all the installments that have been called in by the officers of said company; and that the shares of said company shall be transferable only on the books of said company; and if the owner of any share or shares shall neglect or refuse to pay any installment assessed thereon for the space of thirty days from the time said installment was due and payable, the treasurer of the company may, by order of the board of directors thereof, sell, at public auction, a sufficient number of any shares held by said defaulter, to pay all installments then due by him or her, together with all the necessary costs and charges, and the treasurer shall give public notice in some one of the newspapers published in Griffin, for two weeks, stating time and place of sale, and the sum due on each share by said defaulting stockholder. The purchaser shall receive a bill of sale from the treasurer of the company, and shall thereafter be entitled to have the shares purchased by him or her on the books of the company, and shall be liable for all future installments on the stock so purchased.

Failure to pay installments. SEC. IX. That this Act shall be in force from the date of its passage, and continue in force for the term of thirty years.

Duration of charter. SEC. X. Repeals conflicting laws.

Approved January 19th, 1872.

RELIEF.

SECTION 1. Relieved from penalties of his bond.

No. I—(O No. 5.)

An Act for the relief of Arthur J. Butts, of Baldwin county.

WHEREAS, At the August Term (1870) of Baldwin Superior Court, the appearance bond of John Veal, signed by himself and Arthur J. Butts as security was forfeited for the non-appearance of said Veal for the sum of five hundred dollars.

SECTION I. *Be it enacted*, That Arthur J. Butts be, and he is hereby relieved from the penalties of said bond and forfeiture: *Pro-* Arthur J. Butts.
vided, that he pay all costs that have accrued in said case.

Approved January 19th, 1872.

RESOLUTIONS.

NUMBER.

1. Committee on sale of land scrip.
2. Appointing commissioners to vote State stock in Atlantic and Gulf Railroad.
3. Report of committee on adjournment.
4. Removal of political disabilities.
5. Refunding of money paid by mistake to W. A. King.
6. Hon. B. F. Bruton added to certain committee.
7. Relative to Acts passed last session.
8. Arrears due Agricultural Society.
9. In relation to publishing four Acts of session of 1871.
10. Authorizing Governor to employ additional clerks.

NUMBER.

11. Authorizing Governor to employ attorney to prosecute persons indebted to State Road.
12. In relation to issuing executions against wild lands.
13. Investigation and registration of State bonds.
14. Requiring claims for printing to be registered.
15. In reference to warrants drawn in favor of N. L. Angier.
16. Committee to inquire what change is necessary in judicial circuits.
17. To provide for collection of amounts due Western & Atlantic Railroad.
18. In relation to Irwin's Revised Code.
19. Recess of General Assembly.

(No. 1.)

WHEREAS, The Government donated to the State of Georgia two hundred and seventy thousand acres of public land for the purposes of an Agricultural, Mechanical and Military College; and, whereas, Benjamin Conley, late Governor, as he states, has sold said scrip by virtue of an Act of the General Assembly, passed the 12th of March, 1866; now, to the end that the State shall receive the full benefit of the donation in accordance with the letter and spirit of said Act. Therefore,

Preamble.

Be it resolved, That a joint committee of three from the House and two from the Senate be appointed to examine into and report by what authority said scrip was sold.

To examine sale of land scrip.

Resolved, That the committee be instructed to examine the entire question connected with the scrip, and report what action, if any, is necessary to protect the interest of the State; and that said committee have power to send for persons and papers to enable them to report intelligibly thereon, and that the committee be required to report at this session of the Legislature.

Report at this session

Approved January 15th, 1872.

(No. 2.)

A resolution appointing commissioners to vote the stock of the State in the Atlantic and Gulf Railroad Company, and to rescind a resolution on the same subject, approved October the 27th, 1870.

Be it resolved by the Senate and House of Representatives in General Assembly met, That the resolution, adopted October 27th, 1870, appointing commissioners to vote the stock of the State in the Atlantic and Gulf Railroad be, and the same is hereby rescinded; and that Iverson L. Harris, William B. Fleming, John R. Alexander and William B. Bennet be, and they are hereby authorized and empowered to cast the vote of the State in all elections held by the Atlantic and Gulf Railroad Company, that it may be entitled to by reason of the stock held by it in said company,

Resolution
of Oct. 27,
1870, re-
pealed.

Commis'srs
appointed
to vote on
State stock
in the A. &
G. R. R.

And be it further resolved, That said commissioners hereby appointed, shall be required to make annual statements to the General Assembly of the condition of the State's interest in the above named railroad.

Approved January 15th, 1872.

(No. 3.)

The special committee to whom was referred the question of an early adjournment, and also to report upon such matters for the action of the General Assembly, as is absolutely necessary, and may not be dispensed with—beg leave to make the following report, that the following subject matter demands immediate action: 1st. To make provisions for the payment of the public debt, and the interest falling due June, 1872. 2d. To provide for the payment of teachers who have taught under the common school system of 1871, and to perfect the common school system. 3d. To organize a County Court, or some such Court. 4th. To complete the Appropriation Act. 5th. To pass a tax bill for 1872, and that these five bills shall be the first business in order each day until disposed of; and that this General Assembly do take a recess until such time as may be agreed upon, as soon as the foregoing business shall have been disposed of.

Bills to be
acted on
before ad-
journment

B. B. HINTON, *Chairman.*

Approved January 15th, 1872.

Refunding money.

(No. 4.)

WHEREAS, harmony and good feeling among our people, and the restoration of attachment on their part to the general government, are necessary to promote prosperity—

Be it therefore resolved by the House of Representatives, (the Senate ^{Congress} concurring therein), That we respectfully appeal to Congress to place ^{appealed to} all our people on an equal footing, by removing the political ^{to remove} disabilities under which a portion are laboring.

Resolved further, That copies of the foregoing preamble and resolutions be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States Congress, with the request that they lay them before their respective bodies.

Approved January 17th, 1872.

(No. 5.)

A resolution to authorize James H. Hunter, Representative of the county of Brooks, to refund to the State Treasurer one hundred dollars, appropriated by mistake to Willis A. King, sheriff of said county, and to take the Treasurer's receipt for the same.

WHEREAS, At the late session of this General Assembly an appropriation was made to compensate Willis A. King, sheriff of Brooks county, for services and expenses in bringing Nathan Bland, charged with the crime of murder, from North Carolina under a requisition from the late Governor, R. B. Bullock; and, whereas, it has since transpired that the expenses incurred in performing said service was not so much as was supposed at the time said appropriation was made. Therefore be it

Resolved by the General Assembly of the State of Georgia, That James H. Hunter, Representative from said county of Brooks, be authorized to pay over to the State Treasurer the sum of one hundred dollars, the amount of the excess in said appropriation, and take his receipt therefor.

Approved January 17th, 1872.

(No. 6.)

Resolved by the Senate and House of Representatives, That the Hon. Benjamin F. Bruton, of the county of Decatur, be, and he is hereby added to the list of the commissioners appointed by this General Assembly to vote the stock of the State at the stockholders' meetings of the Atlantic and Gulf Railroad Company.

Approved January 17th, 1872.

(No. 7.)

Acts passed
at session
of 1871.

Resolved, That a joint committee of two from the Senate and three from the House be appointed to ascertain and report on Friday morning next, how many and what Acts, after having been properly passed in each House, were duly sent to the acting Governor prior to and including 9th of December, 1871, and which do not appear in the published laws of the last session.

Approved January 18th, 1872.

(No. 8.)

WHEREAS, The General Assembly of the State of Georgia, in the year 1860, passed an Act appropriating twenty-five hundred dollars per annum for the "State Agricultural Society," which Act has never been repealed; and, whereas, by the war the agricultural interest of the State was so far paralyzed, and the agriculturalists debarred and prevented from availing themselves of the benefits of the appropriation, up to the year 1869, when the society again commenced its operations; and, whereas, no provision has been made for the payment of the fund due the society; and, whereas, the society representing the agriculturalists of the State has gone forward and expended, in advancing this great interest, a sum greater than the entire amount of the appropriations from the year 1860 to the present date; and, whereas, the increasing importance and demands upon the society in promoting and developing this the greatest interests of all other interests of the State, requires an appropriation from the State. Therefore,

Governor
to draw his
warrant on
treasury
for \$7,500
of
arrears of
appropria-
tions due
State Agri-
cultural So-
ciety.

Resolved, By the House of Representatives, the Senate concurring, That the Governor of the State be and he is hereby authorized and directed to draw his warrant on the treasurer of said State in favor of the Georgia State Agricultural Society, for the amount due said society by virtue of the Act of December 20th, 1860, for the years 1869, 1870 and 1871, to-wit: the sum of seven thousand five hundred dollars, and that said sum be in full and complete discharge, to the first day of January of the present year, (1872) of the obligation of the State to the society under said Act.

Approved January 19th, 1872.

(No. 9.)

(Printed on page 265, with the Acts referred to)

Wild lands, etc.

(No. 10.)

Resolved, By the Senate and House of Representatives, That his Excellency the Governor be, and he is hereby authorized to employ three additional clerks in the Executive Department, at a salary of one hundred dollars per month, for such time as, in his judgment, may be necessary for the interest of the public service.

Governor
authorized
to employ
additional
clerks.

Approved January 19th, 1872.

(No. 11.)

Resolved by the General Assembly, That his Excellency the Governor be, and he is hereby authorized and directed to employ a competent attorney, of known integrity and ability, whose duty it shall be to cause to be brought in the proper Court, all suits which may be necessary to the recovery of all property or money which has been illegally and fraudulently converted, belonging to said road or the State, and cause to be prosecuted all persons who may be guilty of violating the criminal laws of the State, in any manner connected with the management of said road; and the said attorney, under the advice of the Governor, take the entire control and direction of said suits and prosecutions, at such reasonable compensation as may be agreed upon by the Governor and said attorney for his services so rendered to be paid.

Governor
authorized
to employ
an attorney
to recover
money due
W. & A. R.
R.

Approved January 20th, 1872.

(No. 12.)

WHEREAS, the suspension of the issuing of executions against wild lands has expired, and as it is important that additional legislation on that subject should be had before the said executions are issued—

Be it therefore resolved, That the Comptroller General be hereby directed to desist from the issuing executions against wild lands, until directed so to do by the General Assembly. Nothing herein contained shall be construed so as to prohibit the completion of the list of unreturned wild lands now being made out.

To suspend
executions
against
wild lands.

Approved January 20th, 1872.

(No. 13.)

WHEREAS, this General Assembly at its last session, passed an Act for the purpose of having the bonds of this State issued since

Public printing.

July 1868 investigated and registered; and, whereas, under the provisions of said Act, a committee has been appointed to take testimony concerning said bonds; and, whereas, in said investigation it may be necessary for said committee to visit the city of New York—

Investigating committee to visit New York.

Be it therefore resolved, That said committee is hereby authorized to visit said city for the purpose aforesaid, if in their judgment it should become necessary for the interest of the State: *Provided*, the State shall not incur any additional expense in said committee visiting said city.

Approved January 20th, 1872.

(No. 14.)

Claims for printing to be filed in the executive office.

Resolved, That his Excellency the Governor be, and he is hereby authorized and directed to require all persons holding claims against the State for printing done and rewards for arresting criminals, to file in the executive office their accounts, properly certified to, with proof of the correctness and reasonableness of the charges made, as also files or slips of paper containing the advertisements charged for, and copies of rates of advertisement, and such other proof as the Governor may deem necessary, in order to ascertain the liability of the State, if any, upon said claims, and that his Excellency be requested to submit the evidence thus filed to this General Assembly, at its session after the recess.

Resolved, That payment of no claims not thus filed and submitted, will be entertained by this General Assembly.

Approved January 20th, 1872.

(No. 15.)

To enquire into warrant given to N. L. Angier.

Resolved by the Senate and House of Representatives, That the joint Finance Committee inquire by what authority Benjamin Conley, the acting Governor, drew his warrant on the treasurer in favor of N. L. Angier, for the sum of seven thousand four hundred and fifteen dollars and twenty-six cents, "over payment of interest," and if said sum was justly due the said N. L. Angier; and that they report thereon to this General Assembly at as early a day as is practicable. Said investigation to be made after the reassembling of this General Assembly in July next, and the report to be made at said session.

Approved January 20th, 1872.

(No. 16.)

Resolved, That a committee of two from the Senate and three from the House be appointed, whose duty it shall be to investigate the amount of business done by each judicial circuit, and report whether or not any change may be necessary, and if any, the nature of the change, and to prepare and report a bill, at as early a day as practicable, in relation to the same.

Approved January 20th, 1872.

(No. 17.)

Resolved by the General Assembly, That the committee appointed to investigate the management of the Western and Atlantic Railroad be directed to ascertain the state of the accounts of agents and other persons dealing with the Western and Atlantic Railroad, and compel settlement of the same; and upon the amounts being ascertained as due the Western and Atlantic Railroad, the State Treasurer be authorized to receive and receipt for the same.

Approved January 20th, 1872.

(No. 18.)

WHEREAS, The substance of section 1414 of Irwin's Revised Code was retained by mistake, and the same was repealed by the Acts of 1865 and 1866, and is therefore not of force; and, whereas, it is important that some legislative expression of opinion should be given as to the validity of said section. Therefore,

Be it resolved, That in the opinion of this General Assembly, section 1414 of Irwin's Revised Code was retained by mistake, the same having been repealed by the Acts of 1865 and 1866, and is of no validity or binding force whatever.

Approved January 20th, 1872.

(No. 19.)

Resolved by the Senate and House of Representatives, That both Houses of the General Assembly take a recess from Friday next until 10 o'clock on the third Wednesday in July next.

Agreed to January 15th, 1872.

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